

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49999 of 2019

Arising Out of PS. Case No.-440 Year-2018 Thana- GOPALPUR District- Bhagalpur

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Bidyanand Mandal Son of Siyaram Mandal Resident of Village - Dumariya
Tola Karehira, P.S.- Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh
For the Opposite Party/s : Mr. Pranav Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 20-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Gopalpur P.S. Case No. 440 of 2018 registered for the offence
punishable under Sections 147, 148, 149, 302 of the Indian
Penal Code, Section 27 of the Arms Act.

Some criminals are said to have gunned down
father-in-law of the informant while he was sleeping on the loft
located in front of the house. She identified nine named accused
persons including the petitioner escaping from the place of
occurrence. They are said to have eliminated her father-in-law
over land dispute.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.



He has been falsely implicated in this case merely because he happens to be witness of Gopalpur P.S. Case No. 13 of 2016 instituted against the deceased. Allegation levelled against the petitioner is not specific rather general and omnibus in nature. Doctor has found only two bullet injuries on the person of the deceased. I.O. after investigation of the case has submitted final form against the petitioner. Petitioner has no criminal antecedent, hence, he may be enlarged on bail.

Per contra, learned APP for the State opposing the bail prayer of the petitioner submitted that number of witnesses in the case diary, have unanimously stated that they had seen the petitioner along with other named accused persons escaping from the place of occurrence just after the occurrence, who had eliminated the deceased over property dispute and some of the accused persons have been enlarged on regular bail by a co-ordinate Bench of this Court, hence, the petitioner does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, petitioner is directed to surrender before the court below within six weeks and seeks regular bail and



learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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