

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57967 of 2019

Arising Out of PS. Case No.-114 Year-2018 Thana- PARBATTa District- Bhagalpur

AKLESH MANDAL @ AKHILESH MANDAL Son of Late Fakir Mandal
Resident of Village- Gonar Chak, P.S.- Parbatta, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Parbatta P.S. Case No.114/2018 registered for the offences
punishable under Section 307 of the Indian Penal Code and
Section 27 of the Arms Act.

Petitioner is said to have resorted firing on the chest
of the son of the informant over dispute of pond along with
other named accused persons.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
Informant does not happen to be eyewitness of the occurrence.
Statement of the victim has not been recorded by the I.O.
Witness in paragraph-62 of the case diary has also not supported
the presence of the petitioner and his family members at the



place of occurrence and he has also not supported the occurrence of resorting firing to the victim by the petitioner. Petitioner has no criminal antecedent. Hence, he may be enlarged on anticipatory bail.

On the other hand learned APP opposing the bail prayer of the petitioner submitted that petitioner is said to have resorted firing upon the chest of the son of the informant over row of pond. Witness in paragraph-62 of the case diary has stated that some altercation took place between the petitioner and the deceased on the egg stall of the said witness then he left the place along his trolley. Witness in paragraph-75 of the case diary has stated that responding the firing sound when he rushed to the place of occurrence he spotted victim Deepak escaping uttering that the petitioner has resorted firing upon him on the egg stall. Doctor has found two firearm injuries on the chest of the victim, which are grievous in nature. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned



Court below would pass order in accordance with law without
being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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