

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62864 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- DHOLBAJJA District- Bhagalpur

Barun Mandal @ Barun Kr. Mandal @ Barun Kumar, aged about 25 years,
male, Son of Juri Mandal, Resident of Village - Sadhopur, P.S.- Gopalpur,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehend his arrest in connection with
Dholbajja P.S. Case No. 11 of 2018 registered under sections
302, 307, 120(B)/34 of the IPC and Section 27 Arms Act.

The allegation against the petitioners that the
petitioner along with other co-accused persons surrounded the
informant and his brother and started indiscriminate firing upon
them due to which the brother of the informant died.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in this case
inasmuch as there was a previous enmity between the informant
and the petitioner inasmuch as the brother of the petitioner was



killed in the year 2011 for which Nugachhia P.S. Case No. 18 of 2011 was lodged in which the deceased Mankeshwar Yadav was made one of the accused person. Learned counsel further submits that in the first information report the informant has alleged that he has received bullet injury in his stomach but from the perusal of the Annexure-3, which is injury report of the informant it would be evident that no fire injury is upon the person of the informant and only injury which has been found upon him is the simple injury caused by hard and blunt substances which creates doubt in the prosecution story.

Having regard to the submissions made by the parties and taking into consideration the fact that the petitioner is named in the first information report and petitioner along with several other accused persons started firing upon the informant and his brother and six bullet injuries have been found on the person of the deceased, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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