

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7171 of 2020

Arising Out of PS. Case No.-381 Year-2019 Thana- KAHALGAON District- Bhagalpur

1. MUNILAL MANDAL Son of Late Budhu Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.
2. Chocho Mandal @ Pushp Raj Mandal Son of Munilal Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.
3. Bipin Mandal @ Vipeen Kumar Son of Munilal Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.
4. Mukesh Mandal Son of Late Vakil Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.
5. Naresh Mandal Son of Late Basudev Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.
6. Prakash Mandal @ Pugo Mandal Son of Late Suresh Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.
7. Pagesha Mandal @ Niranjan Mandal Son of Poshan Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.
8. Anil Mandal Son of Ashok Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.
9. Bhola Mandal @ Bhola @ Bholi Mandal Son of Paro Mandal Resident of Village - Shahpur, P.S. - Ghogha (Kahalgaon), District - Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

Petitioners apprehend arrest in Kahalgaon (Ghogha) PS



Case No. 381 of 2019 registered under Sections 147, 148, 149, 323, 448, 307 of the IPC and Section 27 of the Arms Act.

One Brajesh Kumar Mandal has lodged a written report that when he had gone to repair his JCB machine at Diara, he saw several persons variously armed assaulting Sarpanch Gita Prabhakar and his son Chandrahash. It is alleged that because the informant was witness of such assault he has been fired upon by petitioner No. 1.

Learned Counsel for the petitioner submits that there is a case and counter case. The allegation against the petitioners, other than petitioner No. 1, is general and omnibus. It is a case of false implication.

Learned APP for the State has opposed the prayer for anticipatory bail.

The court below has rejected the petitioners' prayer for anticipatory bail after going through the case diary.

Considering the gravity of the offence this Court does not find this case a fit one for grant of pre-arrest bail. It is however observed that in case the petitioners surrender for grant of regular bail, the prayer has to be considered without having any regard to the order of rejection of anticipatory bail, and on its own merit.

This application is rejected.

(Madhuresh Prasad, J)

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