

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9327 of 2020

Arising Out of PS. Case No.-96 Year-2019 Thana- SABAUR District- Bhagalpur

1. GUDLESH MANDAL S/o Sri Awadhesh Mandal Resident of Village- Narainpur Bhatta, P.S.- Ismailpur, Distt- Bhagalpur.
2. Subhash Mandal @ Subhash Kumar S/o Sri Awadhesh Mandal Resident of Village- Narainpur Bhatta, P.S.- Ismailpur, Distt- Bhagalpur.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Dilip Kumar No.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-06-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504 & 506/34 of the Indian Penal Code, Section 27 of the Arms Act.

While the informant along with his relative was at home and watching mobile, petitioners along with other accused persons reached there and on the order of Awadhesh Mandal petitioners are said to have fired upon him which hit on his right. Thereafter, the accused persons resorting firing escaped from the place of occurrence.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of two days in filing the F.I.R. without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegation levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are 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 on the same very date.

(Anjani Kumar Sharan, J)

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