

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30847 of 2020

Arising Out of PS. Case No.-254 Year-2020 Thana- KAHALGAON District- Bhagalpur

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DHRUPLAL MANDAL @ DHRUBLAL MANDAL Son of Late Prasadi Mandal, Resident of Village-Saitpura Kulkuliya, Police Station-Kahalgaon, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-12-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Kahalgaon P.S.

Case No.254 of 2020 registered under Sections 302, 307 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that on 23.04.2020 while he was sitting along with his brother Vidyanand Shastri in the school at about 8:45 pm, Dhruplal Mandal (petitioner), Vishnu Mandal, Rodhan Mandal @ Raghunath Mandal, Hiran Mandal, Srikant Mandal, Bhooshi Mandal, Amit Das and Jangli Mandal came. Vishnu Mandal and Rodhan Mandal @ Raghunath Mandal caught Vidyanand Shastri. Amit Das @ Amresh Das took out pistol from his waist and handed over the same to Dhruplal Mandal (petitioner). Dhruplal Mandal shot the brother



of the informant in the abdomen. The brother of the informant fell down on the ground and died. Bhooshi Mandal and Srikant Mandal caught the informant and Jangli Mandal handed over pistol to Hiran Mandal, who fired on the informant. The informant also got firearm injury in his leg. The informant raised alarm. The accused persons fled away threatening that the entire family members would be killed.

Learned counsel for the petitioner submits that the occurrence took place on 23.04.2020 but the F.I.R. was lodged on 24.04.2020. There is inordinate delay in lodging the F.I.R. During the course of investigation, there is no injury report of the informant. In fact, the informant is not an eye witness of the occurrence but the petitioner and others have falsely been implicated in the case. There is a reasonable doubt about the veracity of the statement of the informant and, therefore, the petitioner deserves anticipatory bail, but it appears on the face of it that the occurrence took place at 8:45 in the night and the statement of the informant was recorded immediately thereafter. The seizure list was also prepared on 23.04.2020 at 9:45 pm. The statement of the informant was recorded at 1:00 am on 24.04.2020, therefore, there appears no inordinate delay in lodging the F.I.R. There is specific allegation against the



petitioner that the petitioner fired in the abdomen of the brother of the informant and the brother of the informant died on the spot.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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