

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60367 of 2019**

Arising Out of PS. Case No.-200 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Sushil Mandal S/O Late Shambhu Mandal Resident of Village- Sonbarsa,
P.S.- Kanti, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

6 27-05-2020 The matter has been taken up through virtual Court
proceeding.

Heard Mr. Mahendra Thakur, learned counsel for the
petitioner and Mr. Zainul Abedin, learned APP for the State.

The present application has been preferred on behalf
of the petitioner, languishing in custody since 19.03.2019, for
grant of bail in connection with a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
302, 379, 506 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, as per the written report of
Saiyed Junaid Hasan submitted to the Station House Officer of
Kanti Police Station on 19.03.2019, is to the effect that on



09.03.2019 with regard to the Government 'Nal-Jal' scheme there was dispute with co-accused Surendra Pandit for which co-accused persons including the petitioner threatened the informant. On 18.03.2019, all the six accused persons named in the FIR including the petitioner attacked the brother of the informant. Thereafter, the accused persons caught hold of the informant and his brother thereafter, the petitioner shot at the head of the brother of the informant, as a result, he died on the spot and his mobile was also taken away by the petitioner.

It is submitted by learned counsel for the petitioner that in subsequent statement the informant has suggested that he is not eye witness to the alleged occurrence. Moreover, during investigation co-accused Abid has confessed that he actually shot the brother of the informant, who has been granted bail. The petitioner is languishing in custody since 19.03.2019. Though, the petitioner is accused in one another case in which proceeding has been stayed and the trial is still pending.

Learned APP, however, submits that the petitioner is the main assailant and he has criminal antecedent also.

Considering the nature of accusation and the fact that the petitioner is the main assailant, this Court is not inclined to grant bail to the petitioner for the present in connection with



Kanti P.S. Case No. 200 of 2019, pending in the Court of
learned Judicial Magistrate, Ist Class, Muzaffarpur.

Accordingly, the prayer for bail of the petitioner is
rejected.

(Dinesh Kumar Singh, J)

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