

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23504 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

GARIB DAS MANDAL @ GARIB DAS Son of Late Chetan Mandal @ Chet Narayan Mandal Resident of Village - Mirachak, P.S.- Industrial Area, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 06-01-2021 Heard learned counsel for the petitioner and Mr. Nand Kumar, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Industrial P.S. Case No. 28 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506, 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the First Information Report the informant who later on succumbed to injuries and died has though named the petitioner as one amongst the other co-accused but there is no specific allegation of assault against him. Learned counsel submits that in course of investigation also no witness has stated that this petitioner had indulged in assault.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner as according to him in course of investigation the witnesses have supported the allegations. It is his



submissions that the informant in this case has died in course of treatment as such the veracity of his statement may only be examined in course of trial. Learned APP submits that since the petitioner has been named by the informant (deceased), his custodial interrogation is required to be done and as such he does not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, the seriousness of the allegation and the materials placed on the record, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is, thus, refused.

In case the petitioner surrenders and prays for regular bail within a period of four weeks from today in the court below, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

