

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30673 of 2020

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

Hiran Mandal, aged about 48 years (Male), Son of Kartik Mandal, Resident of Village - Saitpura Kulkuliya, PS- Kahalgaon, District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pravina Kumari, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-02-2021

Heard Ms. Pravina Kumari, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecution (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Kahalgaon PS Case No. 254 of 2020 dated 24.04.2020, instituted under Sections 302, 307/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The allegation against the petitioner and other co-accused is that they had assembled and others are said to have caught hold of the brother of the informant and fired on his stomach whereas against the petitioner, the specific allegation is



that he had fired on the informant which hit his foot causing injury.

4. Learned counsel for the petitioner submitted that the only allegation is that somebody else gave firearm to the petitioner and he shot at the informant hitting him in the foot, but the injury report does not corroborate such allegation. It was submitted that the opinion in the injury report does not indicate that the said injury was caused due to firearm and further that only two empty cartridges have been recovered at the place of occurrence. Learned counsel submitted that the place of occurrence is also one small room and 10 persons being in that room and causing firing is not believable.

5. Learned APP, from the case diary, submitted that there has been serious wound on the foot of the informant where the bone has split, though final opinion has been reserved. It was submitted that it is but obvious that such injury of the bone is possible only if hit by a firearm and further that the brother of the informant who died was hit, as per the FIR itself only by one co-accused which is corroborated by the postmortem report in which there is one entry wound and one exit wound with charring and thus, the second empty cartridge recovered also corroborates the fact that two shots were fired, one by another co-accused on the



deceased and one by the petitioner on the informant which caused serious wound on the leg of the informant. It was further submitted that the petitioner carries criminal antecedent also being accused in a case under Section 307 and other sections of the Indian Penal Code as well as the Arms Act.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

