

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30717 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- MORKAHI District- Khagaria

Shatrughan Mandal @ Shatrudhan Mandal, aged about 30 years (Male), S/o
Late Abadh Mandal, R/o Vill.-Balour, P.S.-Morkahi, Distt.-Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-01-2021

Heard Mr. Viveka Nand Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Morkahi PS Case No. 6 of 2020 dated 13.01.2020, instituted under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

3. The allegation against the petitioner is that he along with others had fired on the father of the informant who succumbed to the injury and specifically against the petitioner is that he along with co-accused Sonu Kumar Mandal had fired one shot each on the head of the deceased.



4. Learned counsel for the petitioner submitted that the post-mortem report discloses only two fireshot injuries whereas the allegation is against three persons. It was submitted that the allegation is *mala fide* and due to personal rivalry between the two sides and the story in the FIR is unbelievable.

5. Learned APP submitted that the petitioner besides having one criminal antecedent under grave sections of the Indian Penal Code is directly accused of firing which hit the deceased of the head along another co-accused and with regard to the third co-accused he is said to have fired on the underarm area but the post-mortem report clearly discloses two gunshot injuries in the head and, thus, it is clear that the direct and specific allegation against the petitioner is fully corroborated.

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)

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