

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36868 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- SONBERSA District- Saharsa

Upendra Mandal, Male, aged about 35 years, Son of Kailash Mandal,
Resident of Village- Kanaua Khajuraha P S Sonbarsa Raj, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Senior Advocate Mr.Amarnath Jha, Advocate
For the Opposite Party/s :		Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2021 Heard Mr. Krishna Prasad Singh, learned senior
counsel assisted by Mr. Amarnath Jha, learned counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sonbarsa
P.S. Case No. 77 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 323, 302, 504 of the Indian Penal
Code and Section 27 of the Arms Act.

Azad Kumar, son of Late Sikandar Manda, resident of
village- Kanaua Ward No.12, P.S.- Sonbarsa Raj, District-
Saharsa is the informant whose fardbeyan (statement) recorded
on 21.05.2020 at 14:30 hours by the police furnishes the basis
for prosecution and the same in short is that on 20.05.2020 after
taking meal in the night his mother and father were sleeping in



the Campus and he and others were sleeping in their rooms. At 3 O' clock, he heard the sound of his mother's cry as well as of firing. He along with others went towards the room of his father and saw Upendra Mandal, Mira Devi, Arun Mahto, Barun Mahto, Manoj Mahto started fleeing away towards the south from the side of his father's room. Upendra Mandal was having pistol while others were having pierce and axe. Thereafter, he saw two fire arm injuries at head and chest of his father. On their cry, villagers assembled and one of them informed the police and thereafter, the dead body was sent to Sadar Hospital for postmortem.

Learned counsel for the petitioner submits that there is general and omnibus allegation against the petitioner and there is no eye witness who fired upon the deceased.

I have perused the F.I.R. From the F.I.R., it is clear that the informant had stated that the petitioner was having pistol in his hand and other person fled away. The postmortem report also shows that the deceased died due to fire arm injuries.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on bail. Accordingly, the prayer for bail of the above named petitioner in



connection with Sonbarsa Raj P.S. Case No.77 of 2020 pending
in the court of learned J.M., Saharsa is hereby rejected at
present.

(Anjani Kumar Sharan, J)

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