

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39155 of 2020

Arising Out of PS. Case No.-214 Year-2020 Thana- PARBATTa District- Khagaria

SIKANDAR MANDAL, SON OF JARMAN MANDAL RESIDENT OF
VILLAGE- TEMTHA, P.S.- PARBATTa, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anil Kumar Choudhary
For the Opposite Party/s :	Mr. Mithilesh Kumar Khare
\	Mr. Arvind Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-07-2021 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his arrest in connection with Parbatta P. S. Case No. 214 of 2020, dated 02.06.2020, instituted for the offences under Sections 307 of the Indian Penal Code; Section 27 of the Arms Act, 1959; and Sections 3 and 4 for Prevention of Witch (Daain) Practices Act, 1999.

The petitioner is none else but the brother-in-law of the informant who is alleged to have abused and intimidated the informant of having practiced black



magic on his son. He is also alleged to have fired at the informant leading to injuries on her chest.

It was submitted on an earlier occasion that there was no injury report on record. As such, the case-diary was called for and the petitioner was granted provisional bail.

The case-diary has been perused.

The informant has suffered gun shot injuries but there is no exit wound. Apart from this, the ground taken by the petitioner that there has been a delay of 18 days in lodging the F.I.R. but without any explanation for such delay, is not correct. There is a reasonable explanation of the informant having been hospitalized for her treatment, causing delay in the lodging the F.I.R.

It has also been brought to the notice of this Court that during the course of treatment, the Begusarai police had recorded her statement in which she has given the explanation for delay in filing of the F.I.R.

Taking into account the fact that the informant



has suffered gun-shot injuries, which is alleged to have been caused by the petitioner, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected

The provisional anticipatory bail granted to the petitioner stands withdrawn.

However, if the petitioner surrenders before the court below and seeks bail, it shall be considered on its own merits, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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