

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12328 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- BIHPUR District- Bhagalpur

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1. Kamli Mandal Son Of Yogeshwar Mandal R/O Village- Sahpur, P.S.- Bhawanipur O.P., Bihpur, District- Bhagalpur
 2. Niro Mandal Son Of Raj Kumar Mandal R/O Village- Sahpur, P.S.- Bhawanipur O.P., Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2022 Learned counsel for the petitioners submits that during the pendency of this application petitioner no. 2 has been arrested by the police, therefore, he does not want to press this application with regard to petitioner no. 2.

Accordingly, this application is dismissed as not pressed with regard to petitioner no. 2.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State for consideration of bail regarding rest of the petitioner.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302 read with Section 34 of the Indian Penal Code and Section 27 of the



Arms Act.

It is submitted by learned counsel for the petitioner that petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that the petitioner has been made accused in this case on the confessional statement of co-accused who has enmity with the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that the allegation levelled against the petitioner is very serious.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Bihpur P.S. Case No. 18 of 2019.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day.

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(Anjani Kumar Sharan, J)

