

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31546 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- EKCHARI District- Bhagalpur

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Pawan Kumar S/o Babulal Mandal R/o village- Khawaspur, P.S.- Ekchari,
Distt.- Bhagalpur, Presently R/o- Quarter No.- E-9 EF, Railway Colony,
Mundichak, P.S.- Tilkamanjhi, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Kahalgaon Ekchari P.S. Case No. 36 of 2021 registered for the
offences under Sections 147, 149, 341, 323, 307 and 302 of the
Indian Penal Code.

As per the allegation, nine accused persons including
petitioner came at the land of the informant and at the direction
of this petitioner, co-accused persons assaulted the informant's
brother by means of lathi and during that course the informant's



other brother and nephew were also assaulted by means of lathi, hasuwa and axe and as per the prosecution, the informant's brother died at the spot and informant's nephew died during the course of medical treatment.

The main submissions advanced by the learned counsel Mr. Sanjeet Kumar for the petitioner are that the petitioner is a Government servant posted as T.T.E. in Indian Railways, against him there is no specific allegation of any over action and in between both the parties a land dispute is running and in respect of the disputed land a prohibitory proceeding under Section 144 Cr.P.C. had also been initiated in between them and the petitioner has been languishing in jail since 14th October, 2021. Further submission is that one co-accused namely Babu Lal Mandal has been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No.22802 of 2022.

Learned counsel appearing for the informant and learned APP Mr. Anand Mohan Prasad Mehta appearing for the State have opposed the bail prayer and submitted that the present case relates to double murder and there is a serious allegation against the petitioner and the privilege of bail in respect of co-accused Babu Lal Mandal has been got by making



a wrong submission with regard to his age before the concerned Bench of this Court.

Heard both the sides and perused the FIR. Admittedly, at the time of alleged occurrence there was no good relation in between the petitioner and prosecution party on account of a land dispute and nine persons are alleged to have committed the alleged occurrence of double murder and as per the FIR the present petitioner led to all the co-accused persons and against him there is specific allegation. Considering the nature of the allegation appearing against the petitioner, in my view, petitioner does not deserve to bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J.)

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