

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34525 of 2022

Arising Out of PS. Case No.-28 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

Praveen Mandal @ Praveen Kumar S/o Rambriksha Mandal Resident of
Village - Meerachak, Post- Bahadurpur, Sabour, P.S.- Sabour, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-11-2022 Heard both parties.

The petitioner apprehends his arrest in Industrial Area
P.S. Case No. 28 of 2020, registered for the offences punishable
under Sections 307, 379 and other allied sections of the Indian
Penal Code. Later on, section 302 IPC is added.

As per the prosecution case, while the informant was
returning from his Basa, all the FIR named accused persons
including petitioner having variously armed surrounded and
started abusing him. Co-accused Khokha Mandal ordered to kill
him, thereafter, co-accused Rambriksha Mandal assaulted him
with Bhala and Sanjeev Mandal assaulted him with Khanti over
his head. This petitioner is alleged to have snatched Rs. 1150/-
from his pocket.



It is submitted that specific allegation of assault is against other co-accused persons. There is general and omnibus and superficial allegation against this petitioner of taking cash. It is further submitted that after 28 days of the alleged occurrence the informant died and as such, section 302 IPC is not attracted against him. Petitioner is a student and has got clean antecedents.

However, counsel for the State vehemently opposed the prayer for bail and submitted that this petitioner along with other FIR named accused persons brutally assaulted the informant, as a result of which he died.

Considering the facts aforesaid and nature of accusation, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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