

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39455 of 2020

Arising Out of PS. Case No.-105 Year-2019 Thana- MARANCHI District- Patna

Mantu Bind @ Mantun Nisad Son Of Late Devan Nisad @ Late Devan Singh
Nisad Residence Of Village- Kasaha Diyan, P.S.- Maranchi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Smt. Sudha Ambastha, Adv

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-01-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that when



the informant and one Mukesh Bind were coming with motorcycle, four accused persons including the petitioner intercepted them. It is specifically alleged against co-accused Samrath that he shot fire at the informant which hit on his stomach whereas this petitioner shot fire at Mukesh Bind, as a result of which, he fell on the ground. The informant somehow managed to save his life. However till date, the victim Mukesh Bind has not been recovered.

It is submitted by learned counsel for the petitioner that in the background of previous enmity, the petitioner has been roped in the present case and except informant, there is no eye witness to the occurrence. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

It is submitted by learned A.P.P for the State that there is direct allegation against the petitioner to have fired on Mukesh Bind who has not been recovered till date. This fact has also been corroborated by the



witnesses in their statements recorded in the case diary.
It is further submitted that on filing written complaint by the mother of the victim Mukesh Bind as gets reflected in para 84 of the case diary, a petition has been filed by the Investigating Officer for adding Section 302 of the Indian Penal Code. The case was found true as against the petitioner by the Investigating Officer which gets reflected in para 150 of the case diary.

Considering the aforestated facts, this Court is not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner stands rejected.

(Sunil Kumar Panwar, J)

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