

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59189 of 2021**

Arising Out of PS. Case No.-257 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

RAMU MANDAL Son of Late Brahmdeo Mandal Resident of Rajaram
Bhadrapur, P.S. - Hathauri, District - Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Roy, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 06-07-2022 Heard learned counsel for the petitioner and learned
APP for the State and perused the case diary.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code.

It is a case of commission of murder by the petitioner along with other co-accused persons.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. He further submits that there is no evidence against this petitioner for committing the murder of the deceased and no one has supported the prosecution case directly or indirectly. He further submits that the postmortem report shows that only two cut incised injuries were found on the body of the deceased and



viscera is kept preserved and the cause of death is not ascertained by the doctor who conducted postmortem examination of the deceased.

Learned APP appearing for the State has opposed the prayer for anticipatory bail and submitted that the petitioner is named in the FIR and the case has been lodged by the father of the deceased, namely, Ramesh Kumar on getting the information from the co-accused Pritam Kumar Mishra who explained in detail about the occurrence to the informant. He further submits that on verification of para para-30 of the case diary, it appears that the petitioner is a daily wager. He further submits that the evidence in respect of occurrence explained by co-accused Pritam Kumar Mishra to the informant which is admissible in the eye of law and in the FIR the petitioner is named. He further submits that all the witnesses have supported the case of prosecution which were recorded during investigation and the postmortem report also shows that the deceased sustained injury which corroborates the prosecution case and the proforma of process of under Sections 82 and 83 of Cr.P.C. in respect of this petitioner is also annexed with the case diary.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner.



Prayer for anticipatory bail of the petitioner is rejected.

However, the petitioner is directed to surrender before the court below and pray for regular bail and the court below may consider his prayer for regular bail without being prejudiced by this order.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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