

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13452 of 2023

Arising Out of PS. Case No.-177 Year-2021 Thana- RAJEPUR District- East Champaran

1. MANDEV RAI @ MANDEV RAY S/o Jagdish Rai R/o Village- Fulkahan, P.S.- Shyampur Bhatahan, Distt- Sheohar.
2. Vikash Kumar S/o Mandev Rai R/o Village- Fulkahan, P.S.- Shyampur Bhatahan, Distt- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-06-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 120B, 34 of the Indian Penal Code.

Allegedly, all the accused persons including the petitioners killed the informant's son by wrapping Gamchha around his neck.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioner no.1 is father-in-law, whereas petitioner no.2 is brother-in-law of the deceased. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this



case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They have been made accused in the present case merely on suspicion. There is no eye-witness in the present case. There is no any evidence or material on record to show their complicity in the alleged occurrence. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve bail.

Considering the facts and circumstances of case as well as the nature of the offence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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