

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31132 of 2022

Arising Out of PS. Case No.-3 Year-2018 Thana- EKCHARI District- Bhagalpur

SANJAY KUMAR SINGH @ SANJAY KUMAR MANDAL SON OF
DHURI PRASAD SINGH @ DHURI MANDAL R/O VILLAGE-
KHAWASPUR NORTH TOLA, P.S.- EKCHARI, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 302, 120B
and 34 of the Indian Penal Code and Section 27 of the Arms Act
pending in the learned court below.

Allegation against the petitioner is that he along with
other co-accused person is said to have shot the son of the
informant due to which he died.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. He further submits that the occurrence took place on 16.02.2018 and FIR lodged on 19.02.2018. He submits that there is delay of three days in filing of the present FIR and there is no any explanation of it which creates serious doubt about the prosecution case. He further submits that the inquest was prepared on 17.02.2018 at 11:00 A.M. One *Shashi Kant Mandal*, the son of the informant is one of the witnesses of the inquest report, but at that time they have not decided to implicate whom that is why the first informant report was not lodged on 17.02.2018 by the brother of the deceased. He submits that in the statement of the brother of the deceased it appears that deceased *Manoj Mandal* was in love with *Rekha Kumari* daughter of *Mahendra Das* and *Rekha Kumari* was living in the house of her *mama*, namely, *Indradeep Mandal* from her childhood. He further submits that the marriage of *Rekha Kumari* was fixed in the month of April, 2017 with another boy and marriage was going to perform in the month of June, 2017 then *Manoj Mandal* informed the bride side that is why her marriage was broken, that is why the family members of the *Rekha Kumari* killed *Manoj Mandal*. He further submits that there is no eye witness supported the prosecution case. He further submits that petitioner has got no criminal antecedent as



stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that FIR was lodged after post-mortem report, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Ekchari P.S. Case No.03/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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