

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1209 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- ALAMNAGAR District- Madhepura

MANOJ MANDAL Son of Sri Anil Mandal, R/V- Gangapur Athgama Basa,
P.S- Alamnagar (Ratwara O.P) Dist- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Viveka Nand Singh
		Mr. Hira Jha
For the Opposite Party/s :		Mr.Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL JUDGMENT

Date : 10-05-2023

I have already heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Alamnagar (Ratwara) P.S. Case No. 129 of 2022, registered for offence punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation, having heard the screaming of his mother, the informant went to his *Baithka* and saw the dead body of his brother Sonu Kumar, aged about 17 years. The deceased had sustained fire shot injury on his chest. Due to time consumed in cremation, etc., the FIR was lodged on 17.05.2022



at about 4.05 P.M., whereas the occurrence is said to have taken place in preceding night.

The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR. Nothing was recovered from his possession. Neither the informant nor his mother has named the petitioner. After five days of the occurrence, the statement of co-accused Shankar Mandal was recorded in which he has confessed his guilt and named the petitioner. The learned counsel has submitted further that except confessional statement of co-accused, there is nothing against the petitioner. The confessional statement cannot be given value in the eyes of law and the statements of other independent witnesses have been recorded after a delay of near about one month. He has submitted further that neither the informant nor Geeta Devi the mother of the deceased has stated that co-accused Bablu Mandal was sleeping with the deceased, whereas Parvati Devi and Bablu Mandal have stated that he (Bablu Mandal) was sleeping with the deceased and accused persons including the petitioner came there and fired shot at Sonu Mandal.

On the other hand, the learned APP has opposed the prayer for bail and submitted that co-accused Shankar Mandal



has given vivid description of the entire occurrence and he has named this petitioner, who is also involved in the conspiracy. The mother of Bablu Mandal in paragraph 39 of the case diary has stated that her son had apprised her on telephone that when he was sleeping in the hut of the deceased, his sleeping was interrupted on hearing fire shot and he saw co-accused Monu Lal Rai, Shankar Mandal and Manoj Mandal (petitioner), who were fleeing away after firing shot at the deceased. He has submitted further that the independent witness Akhilesh Kumar has also rendered similar type of statement as Parvati Devi, mother of the informant.

Considering the above-mentioned facts and circumstances as well as the materials emerged during the course of investigation, I do not think it to be an appropriate case for grant of bail, which is accordingly rejected.

(Nawneet Kumar Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	05.05.2023
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