

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78872 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- PANJWARA District- Banka

1. CHHOTU MANDAL @ DHARMVIR MANDAL SON OF SRI BIKASH MANDAL RESIDENT OF VILLAGE RANGAON, POLICE STATION DHORAIYA, DISTRICT BANKA
2. Ritik Kumar @ Ritik Panjiyara Son of Late Masudin Pandiyara R/o vill - Kachamachiya, P.S. - Panawara, Distt. - Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 307, 34, 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, when the informant's father, namely, Kedar Panjiyara along with one Manoj Mandal was returning to his house, all the accused persons including the petitioners surrounded them and in the meantime, petitioner no.1 fired gunshot, which hit the stomach of the informant's father as a result of which he died during his treatment.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. 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. There is admitted land dispute between the parties. Similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court. Petitioner no.2 has two criminal antecedents, whereas petitioner no.1 has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that there is serious allegation against petitioner no.1 to fire upon the informant's father due to which he died during the treatment. Hence, he does not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Panjawara P.S. Case No. 76 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is specific allegation against petitioner no.1 to fire upon the informant's father due to which he died during the treatment, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for bail of the petitioner no.1 is hereby rejected.

(Anjani Kumar Sharan, J)

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