

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58497 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- BARIYARPUR District- Munger

1. Jitender Mandal @ Jitendra Kumar Son of Awdesh Mandal Resident of Village- Vijay Nagar ,PS- Bariyapur, Distt.- Munger
2. Pinku Mandal son of Braham Dev Mandal Resident of Village- Vijay Nagar ,PS- Bariyapur, Distt.- Munger
3. Amit Mandal Son of Awadesh Mandal Resident of Village- Vijay Nagar ,PS- Bariyapur, Distt.- Munger
4. Mukesh Mandal son of Braham Dev mandal Resident of Village- Vijay Nagar ,PS- Bariyapur, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners apprehend their arrest in Bariyarpur
P.S. Case No. 24/2024, registered for offence punishable under
Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, in the night of 14.02.2024,
all the F.I.R. named accused persons including these petitioners
came in the house of informant and started abusing and
assaulting informant, his father and other family members and
on protest, they pointed pistol on them, tied hands & legs of
father of informant and thereafter, co-accused Chhotu Mandal
cut his neck by means of sharp cutting weapon and thereby
committed his murder.



4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. F.I.R. has been lodged after cremation of dead-body i.e. after a delay of 20 hours, without any plausible explanation of delay. Though, there is allegation that seven persons including these petitioners have assaulted informant’s father and other family members, but no injury report is available on record in respect of informant and other family members, which itself falsifies the prosecution case. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail and submits that from perusal of F.I.R., it is apparent that there is specific accusation against petitioners that they alongwith other co-accused persons committed the murder of father of informant. As per *post-mortem* report, the cause of death, opined by the doctor, was due to shock and haemorrhage, as a result of sharp cut injury.

6. Considering the nature of accusation, the prayer for anticipatory bail of petitioners is rejected.

(Prabhat Kumar Singh, J)

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