

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35971 of 2017

Arising Out of PS.Case No. -18 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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1. Bhakta Mandal @ Bhagta Mandal Son of Paro Mandal, R/o Village-
Sadhua , P.S.- Gopalpur (Rangra) O.P. District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey

For the Opposite Party/s : Mr. Narsingh Tanti

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.02.2017 in connection with Gopalpur (Rangra) P.S. Case No.
18 of 2016 for offences punishable under Section 307 and other
allied Sections of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was milking his buffalo, the petitioner along with
five others came variously armed with weapons and started firing.
Allegation upon the petitioner is of firing on his abdomen. The
cause of occurrence was previous enmity.

It has been submitted by the learned counsel for the



petitioner that he is innocent and general and omnibus allegation has been levelled against him. He submits that because of personal enmity he has been made accused although initially allegation was general and omnibus. He further submits that that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as four cases are pending against him some for similar offence.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate 3rd, Naugachia, Bhagalpur, in connection with Gopalpur (Rangra) P.S. Case No. 18 of 2016, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear



on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (iv) Petitioner will also appear before the concerned police station in the first week of every month.

(Nilu Agrawal, J)

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