

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21539 of 2018

Arising Out of PS.Case No. -64 Year- 2017 Thana -DHOLBAJJA District- BHAGALPUR

1. Raja Mandal S/o Umesh Mandal, R/o Village- Lakshminia (Kadwa),
P.S.- Kadwa, O.P.- Dholbajja, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv

For the Opposite Party/s : Mr. Sri Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 30-07-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for
the offences punishable under Sections 447, 341, 326, 307,
504, 34 of the Indian Penal Code and later on Section 302 of
the Indian Penal Code and Section 27 of the Arms Act was
also added.

According to FIR, the petitioner caused
firearm injury to the informant on 16.09.2017. The
informant got treatment and was discharged on 03.11.2017.
Thereafter, he died on 05.11.2017.

Submission of the learned counsel for the
petitioner is that there is no other eye witness of the
occurrence. Even if the prosecution allegation is assumed to



be correct, only a case of attempt to commit murder is made out. Moreover, in absence of postmortem report, it cannot be said that the death was result of the injury caused by the petitioner. Petitioner is in custody since 18.09.2017.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after completion of one year of custody** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dholbajja (Kadwa) Police Station Case No.64 of 2017, G.R.No.1190 of 2017 subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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