

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20084 of 2018

Arising Out of PS. Case No.-72 Year-2016 Thana- JAMALPUR RAIL P.S. District-
Lakhisarai

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Dhiraj Mandal S/o Nepali Mandal, R/o Village- Pariya, P.S.- Bariyarpur,
District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner had earlier moved for bail, which was rejected vide order dated 09.11.2017 passed in Cr. Misc. No. 43017 of 2017. Petitioner is languishing in judicial custody since 02.01.2017 in connection with Sessions Trial No. 119 of 2017 arising out of Jamalpur Rail P.S. Case No. 72 of 2016, registered for the offence punishable under Sections 307, 324 and 326/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that the petitioner had a quarrel with the informant and the petitioner fired from his pistol, which hit a lady and second



round of firing hit another lady. The cause of dispute was settlement of a tempo stand.

It has been submitted by the learned counsel for the petitioner that he is innocent, the two injured ladies had not named the petitioner and because of personal enmity, he has been made accused in the present case and also because he has a criminal antecedent.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Lakhisarai in connection with Sessions Trial No. 119 of 2017 arising out of Jamalpur Rail P.S. Case No. 72 of 2016, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.



(2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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