

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70058 of 2018

Arising Out of PS. Case No.-170 Year-2018 Thana- MANIGACHI District- Darbhanga

Saroj Mandal, Son of Palton Mandal, Resident of Village- Moubahal, O.P.-
Bajitpur, P.S.- Manigachi, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Asharaf Ansari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 12-12-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Manigachi P.S. Case No. 170 of 2018 for the offenses
punishable under Sections 341, 323, 387, 304, 504/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on
18.08.2018 at about 11:15 A.M., the husband of the informant
was sitting at his darwaja when the petitioner herein and other
unknown accused persons reached there and caught hold of the
husband of the informant and put their pistol in the mouth and
started pressing the neck of the husband of the informant.
Thereafter, the petitioner is said to have fired in the air resulting
in the husband of the informant falling down on account of the



fear of the sound of the gun shot firing whereafter he is said to have become unconscious. The husband of the informant was taken to hospital where he died during the course of treatment.

The learned counsel for the petitioner submits that the case does not fall within the ambit of Section 302 of the Indian Penal Code inasmuch as there was no intention on the part of the petitioner to cause death of the husband of the informant since if that would have been so the petitioner would have shot at the husband of the informant. However, the petitioner had only fired in the air to create a fear and that had resulted in the petitioner falling down and getting injured. It is also submitted that the postmortem report would show that there is no external injury nor there is any gun shot injury on the person of the deceased i.e. the husband of the informant. The learned counsel lastly submits that the petitioner is ready to abide by whatever conditions i.e. imposed for the purposes of grant of bail.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V,



Darbhanga in connection with Manigachi P.S. Case No. 170 of 2018.

It is further directed that the petitioner would mark his attendance at 10:00 A.M. on Monday of each week before the Officer-In-Charge of the concerned Police Station till the framing of the charge and in default to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner would be arrested forthwith.

(Mohit Kumar Shah, J)

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