

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3471 of 2019

Arising Out of P.S. Case No.-342 Year-2018 Thana- AMARPUR District- Banka

BIHARI MANDAL @ BIHARI CHOUHAN, aged about 32 years, Male, son
of Rudo Mandal Resident of Village- Vachani, P.S. Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
14.08.2018 in connection with Amarpur P.S.Case No.342 of
2018 for the offence alleged under Sections 307, 302 and
120B/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case as lodged by the informant is
that while he along with his father were returning home by the
motorcycle, six accused persons named in the FIR resorted to
indiscriminate firing which resulted in the death of his father.
Thereafter, the petitioner along with co-accused Bishnu Mandal
came and resorted to indiscriminate firing which hit his right
leg.

It has been submitted by the learned counsel for the



petitioner that he is innocent, there is no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that while the allegation of killing his father is on the other co-accused, the only allegation against the petitioner and co-accused is of firing on the informant which has not been supported by the injury report which is annexed as P/2 which shows that the injury is simple in nature caused by hard and blunt substance. He further submits that no overt-act of killing his father has been alleged by the informant against the petitioner and he is languishing in judicial custody for about six months. He further submits that Section 302 of the Indian Penal Code will not be applicable against him and chargesheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the nature of allegations and the fact that the petitioner does not bear any criminal antecedent, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Amarpur



P.S.Case No.342 of 2018 to the satisfaction of learned Chief
Judicial Magistrate, Banka, subject to the following condition:-

(i) One of the bailors would be a close relative of the
petitioner having sufficient immovable property, who will file
an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J)

B.Kr./-

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