

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28321 of 2019**

Arising Out of PS. Case No.-440 Year-2018 Thana- GOPALPUR District- Bhagalpur

MEHDI MANDAL @ MAHENDI MANDAL @ MAHENDRA MANDAL
Son of Late Chano Mandal @ Chounhu Mandal Resident of Village-
Dumaria, P.S.- Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate.

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER**

2 01-05-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Gopalpur P.S. Case No. 440 of 2018**, instituted for the offence under Section(s) 147, 148, 149, 302 of Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioner submits that mere suspicion has been raised against the petitioner in the written report. The informant is not eye witness of the occurrence.

Post mortem report has been enclosed as Annexure-2 wherein the Doctor has found two firearm injuries on the person of the deceased.

In the written report it is alleged that father of the informant was sleeping outside the house on *Darwaza*, the informant heard sound of firing and came out from the house. She saw her father-in-law (since deceased) sustaining firearm injury and he was



wriggling. It is further alleged that informant saw 8-10 persons including petitioner running away.

From the written report it appears that there is no allegation of any specific overt act against the petitioner. The Post mortem report has been enclosed as Annexure-2 wherein the Doctor has found only two injuries of firearm on the person of the deceased.

Petitioner is in custody since 6.12.2018 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released 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 **Additional Chief Judicial Magistrate-1st, Naugachia**, in connection with **Gopalpur P.S. Case No. 440 of 2018**, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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