

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75199 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- ISMAILPUR District- Bhagalpur

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1. Rabindra Mandal @ Rabbo Mandal Son of Late Garbhu Mandal
 2. Babloo Mandal Son of Ram Swroop Mandal Residents of Village-Chhoti Parbatta,P.S. Ismailpur,Distt.-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-01-2019 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Ismailpur P.S. Case No. 38 of 2018 instituted for the offence under Section(s) 147/148/149/307/302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for petitioners submits that petitioners are in custody since 3.9.2018.

In the written report, it is alleged that on the date of occurrence total seven F.I.R. named accused persons including these petitioners made indiscriminate firing causing injury to the brother of the informant who subsequently died during course of treatment.



Learned counsel for petitioners submits that several litigation are pending between the parties on account of land dispute. The genesis of the occurrence is that full brother of petitioner no.1 purchased a piece of land from Triveni Yadav on 12.1.2015 and his name was duly mutated and has been paying rent to the State of Bihar regularly and when the brother of petitioner no.1 started making construction over the land, he was restrained from making construction, for which the brother of petitioner no.1 filed an application before the Dy S. P. Navgachea on 20.7.2018. Copy of the aforesaid application has been annexed as Annexure 2 to the bail petition. It is also mentioned in para 8 of the bail petition that father of informant has been disturbing the possession of brother of the petitioner no.1 and uncle of petitioner no.2 for which the brother of petitioner no.1 made complaint to the police on several occasion.

Case diary has been received, wherein, the postmortem report of the deceased is available. The doctor has found total 5 injury on the person of the deceased. The doctor has opined the injury no.1 to be caused by firearm and cause of death has been said to be Septicemia.

In the written report, there is allegation against 7



FIR named accused persons including these petitioners of making indiscriminate firing causing injury to the brother of the informant on his abdomen and shoulder. Subsequently, he died during course of treatment.

In this manner, no any specific allegation has been attributed against these petitioners of causing the aforesaid firearm injury to the brother of the informant.

Considering the aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Navgachia, Bhagalpur in connection with Ismailpur P.S. Case No. 38 of 2018 (G.R. No. 1292 of 2018), subject to the condition that both the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

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