

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45561 of 2019

Arising Out of PS. Case No.-163 Year-2012 Thana- NARPATGANJ District- Araria

Deo Narayan Mandal Son of Hakaru Mandal Resident of Simraha Colony,
P.S.- Simraha, Distt - Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shashi Prakash Son of Ganga Prasad Mandal Resident of Village -Simraha Colony, P.S.- Simraha, Distt - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 24-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with Narpatganj P.S. Case No. 163 of 2012 registered for the offence punishable under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner on the exhortation of co-accused Shiv Narayan Mandal and Jai Narayan Mandal is said to have fired upon the informant inflicting firearm injury to him.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to land dispute. There is case and counter case between the parties. After completion of



investigation, I.O. has submitted final form against the petitioner, but learned Magistrate has taken cognizance only under Sections 324,, 307/34 of the I.P.C. and not under Arms Act. Petitioner has no criminal antecedent. Parties have entered into compromise in the case under hand and also in the counter case and on the basis of said compromise petition, accused of the said counter case has been enlarged on bail, hence, the petitioner may be enlarged on bail.

Per contra, learned APP for the state opposing the bail prayer of the petitioner submitted that there is direct allegation of firing upon the informant against the petitioner and informant has sustained firearm injuries which is grievous in nature. Earlier, the bail prayer of the petitioner has been rejected by this Court vide order dated 07.05.2019.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, petitioner is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order on the very date of surrender by the petitioner in accordance with law considering the facts and circumstances of the case without being prejudiced



by this order.

(Prakash Chandra Jaiswal, J)

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