

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.896 of 2020

Arising Out of PS. Case No.-313 Year-2019 Thana- RAJGIR District- Nalanda

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MANGAL @ MANNU @ MANNU KUMAR @ MANGAL KUMAR Son of
Chnadrika Prasad @ Chandrika Singh Resident of Village - Panditpur, P.O. -
Rajgir, P.S.- Rajgir, Distt - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for
grant of anticipatory bail apprehending his arrest in a case
registered for the offence under sections 307 and 120B of the
Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the F.I.R., the informant states
that while he was called at the crossing of Giriyak road and on
reaching there, two persons came on a motorcycle, who stated
that he should accompany them to have liquor. Thereafter, it is
stated that one of them took out a pistol and fired on the
informant. It is further stated that both the accused persons
managed to escape and he was taken to Rajgir hospital, from



where, he was referred to P.M.C.H., Patna. It is further stated that Mangal @ Mannu, Golu @ Rahul and Bimla Devi have hand in the said occurrence.

It is submitted by learned counsel for the petitioner that from the F.I.R. itself, it would be evident that so far as the petitioner and two others are concerned, no overt act has been alleged against them and at best the informant suspects them to have a hand in the occurrence. He has further submitted that the petitioner happens to be the full brother of the informant and another co-accused Bimla Devi whom the informant suspects to have a hand happens to be his mother. It is further submitted that the petitioner is a constable in the Border Security Force. As would be evident from the certificate issued by the Commandant of Battalion 148, B.S.F. to which the petitioner belongs, the petitioner was physically present on Indo-Bangladesh Border on 20.08.2019.

It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but even the assailants have taken the name of this petitioner to be behind the occurrence.

Having heard learned counsel for the parties and taking into consideration the above facts, admittedly the



petitioner not being an assailant, his relationship with the informant together with the fact that he was posted at the Indo-Bangladesh Border on 20.08.2019, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Rajgir P.S. Case No.313 of 2019 is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Nalanda, Biharsharif, subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

It may be added here that none of the observations made in the instant order shall be taken into consideration as a finding by the Court below at any subsequent stage of the case.

(Partha Sarthy, J.)

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