

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7827 of 2020**

Arising Out of PS. Case No.-309 Year-2019 Thana- KASIMBAZAR District- Munger

Naresh Mandal Son of Late Mahavir Mandal Resident of Village-Chhoti Sandalpur, P.S-Kasim Bazar, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 01-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 07.12.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Section 304 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Bisundeo Mandal, submitted to the S.H.O., Kasim Bazar Police Station is to the effect that the informant along with his wife Lalita Devi went to attend the marriage ceremony of the daughter of his paternal father-in-law, Naresh Mandal. On 05.12.2019 at 11 P.M., someone resorted to fire which hit on the



eye of the wife of the informant, as a result, she died, leading to registration of FIR against unknown persons. During course of investigation, it transpired that firing was made by co-accused Amal Kumar Gupta and it was the petitioner who hired him for making fire in the air in the marriage celebration.

It is submitted by learned counsel for the petitioner that from the FIR and material collected during investigation, it is apparent that the wife of the informant received accidental firearm injury. During course of investigation it was found that firing was made by co-accused Amal Kumar Gupta, who has been granted bail by a co-ordinate bench of this Court vide order dated 03.03.2020, passed in Cr. Misc. No. 12976 of 2020 and there is no conclusive proof that the petitioner is the person who hired co-accused Amal Kumar Gupta for making celebration firing during marriage. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up during investigation and at the behest of this petitioner, Amal Kumar Gupta was making firing during marriage.



Considering the fact that the accusation of firing is not alleged against the petitioner and during investigation it was found that firing was made by co-accused Amal Kumar Gupta, who has been granted bail by a co-ordinate bench of this Court and the petitioner having no criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned C.J.M., Munger in connection with Kasim Bazar P.S. Case No. 309 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned C.J.M., Munger in connection with Kasim Bazar P.S. Case No. 309 of 2019.



The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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