

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34965 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- BASANHI District- Saharsa

Ghanshyam Mandal S/o Late Saudagar Mandal R/o Village- Laliya, Ward No. 04, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Anant Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Basnahi P.S. Case No. 10 of 2020 for the offence punishable under Sections 147, 148, 149, 341, 307 of the Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution in brief is that the informant along with his uncle and cousin brother were returning on his motorcycle from Mahua market to his home



and when they had reached near the abode of Raghunandan Mandal, the accused persons including the petitioner herein, variously armed, had surrounded them. It is further alleged that the co-accused persons namely Suman Mandal and Bhupesh Mandal had fired gun shots on the uncle and cousin brother of the informant, whereafter they had fled away. It is also alleged that the uncle of the informant died on the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 20.02.2020. The learned counsel for the petitioner has submitted that there is no allegation of any sort of overt act as far as the petitioner is concerned, hence he has got no complicity in the matter.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the materials available on record, it is apparent that the co-accused persons namely Suman Mandal and Bhupesh Mandal have been alleged



to have fired gunshots, resulting in death of the uncle of the informant and injury being caused to the cousin brother of the informant, however, there is no allegation of any sort of overt act, as far as the petitioner herein is concerned, apart from the fact that the petitioner is having a clean antecedent, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Saharsa in connection with Basnahi P.S. Case No. 10 of 2020.

(Mohit Kumar Shah, J)

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