

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82962 of 2019

Arising Out of PS. Case No.-342 Year-2018 Thana- AMARPUR District- Banka

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Upendra Mandal, Son of Gujru Mandal @ Garaju Chauhan, Resident of
Village- Bachhani, At present Resident of Village- Kujra, P.S- Amarpur,
District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail
in connection with Amarpur P.S. Case No.342 of 2018 registered
for the offence punishable under Sections 307, 302 and 120B/34
of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that there are
general and omnibus allegations against six accused persons who
had allegedly opened fire when the informant and his father were
returning at about 9.00 PM. In the said firing, the informant is said
to have sustained injuries on his leg and he fled away saving
himself, later on he claims to have come back on the spot and
found the dead body of his father.

Learned counsel submits that there is no specific



allegation against this petitioner and co-accused Pawan Mandal, Dablu Mandal and Jitendra Kumar against whom there are identical allegations have been granted privilege of regular bail except one Jitendra Kumar who has been granted anticipatory bail by a learned coordinate Bench of this Court.

Learned APP has though opposed the prayer for regular bail of the petitioner, but on the query raised by this Court calling upon him to distinguish the case of the petitioner from those co-accused who have been granted privilege of regular bail, learned APP is unable to demonstrate any distinction in the case of the petitioner and there being an accepted position that there are general and omnibus allegations against the petitioner like the co-accused who have been granted privilege of regular bail by a learned coordinate Bench of this Court, the investigation against the petitioner is complete and there is no submission that release of the petitioner is likely to interfere with the course of trial and/or the petitioner may indulge in tampering with the evidence, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarpur P.S. Case No.342 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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