

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83494 of 2019

Arising Out of PS. Case No.-171 Year-2015 Thana- BARIYARPUR District- Munger

Santosh Kumar @ Santosh Mandal @ Santosh Kumar Mandal Son of Raj Kumar Mandal @ Ram Kumar Mandal Resident of Village - Pariya, P.S.- Bariarpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-01-2020 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Bariarpur P.S. Case No. 171-A of 2015 arising out of Bariarpur P.S. Case No. 171 of 2015 for the offences punishable under Section 307 and other allied Sections of the Indian Penal Code and Sections 25(1-b)a, 26, 27 of the Arms Act.

The allegation is regarding two groups of criminal having resorted to firing amongst themselves and when the police had arrived, they found that the petitioner was lying at the place of occurrence in an injured condition along with the co-accused person, namely, Bulaki Mandal. It is further alleged that the petitioner had also resorted to firing.

The learned counsel for the petitioner has submitted



that the petitioner is suffering from chronic vision problem and in fact, finding that the petitioner has got no complicity in the connected case, he was granted the privilege of anticipatory bail by an order dated 11.01.2018 passed in A.B.A. No. 992 of 2017 by the learned court of Additional Sessions Judge II, Munger, however, on account of the ensuing treatment of the eye of the petitioner, the petitioner could not surrender in time and seek the privilege of anticipatory bail, hence, the privilege of anticipatory bail granted to the petitioner had lapsed, whereafter the petitioner had surrendered and sought for regular bail, but it appears that the same was also rejected, resulting in the petitioner languishing in custody since 29.08.2019. It is further submitted that the petitioner had again moved the learned court below for grant of regular bail, however, the same was rejected vide the impugned order dated 08.11.2019, although the fact is that the petitioner is having no complicity in the matter, he himself was injured during the course of alleged crime and moreover, he is suffering from grave eye problem hence it cannot be visualized that the petitioner is having any sort of complicity in the alleged crime.

Having regard to the facts and circumstances of the case as also the fact that the petitioner had already been granted



the privilege of anticipatory bail by the learned court below, though the petitioner could not avail the benefit of the same, as also considering the fact that the co-accused persons have already been granted bail, the petitioner is directed to be enlarged on bail.

Accordingly, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Bariarpur P.S. Case No. 171-A/ 15 arising out of Bariarpur P.S. Case No. 171 of 2015.

(Mohit Kumar Shah, J)

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