

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19469 of 2021**

Arising Out of PS. Case No.-323 Year-2016 Thana- RANIGANJ District- Araria

ANIL MANDAL @ ANIL KUMAR MANDAL S/O- Yoganand Mandal
Resident of Village - Parmanandpur, P.S. - Raniganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Raniganj P.S. Case No.323/2016 (G.R.No.3954/2016) registered for the offences punishable under Sections 147, 148, 149, 342, 302, 307 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short is that on the 25.11.2020 at about 10.30 am the informant along with Bibi Saifula and one Istiak came at his land to sow maize. It is alleged that when Md.



Shamim the elder brother of the informant came there at 1.20 pm carrying lunch, suddenly firing started behind the shrubs and Shamim started running from there by leaving motorcycle and thereafter saw that petitioner along with co-accused having weapons including bow, arrow started chasing and committed fatal assault by blowing arrow due to which Shamim fell down.

Learned counsel for the petitioner submits that in the First Information Report the specific allegation of attack by arrow has been made against co-accused Shambhu Rishideo. It is alleged that due to said attack the brother of the informant fell down. Learned counsel further submits that accused no.2 to accused no.30 in this case together with 25-30 unknown villagers have been made accused with sole intention to implicate them. There is no specific allegation against the petitioner, no weapon has been attributed to him and in the present case some of the co-accused have been given the benefit of anticipatory bail as well as regular bail. He has referred some of the bail orders passed by learned coordinate Benches of this Court.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner as according to him this petitioner is one of the accused who had ordered the co-



accused to kill the informant and at his instance the co-accused Ramesh Rishideo had attacked him as well.

Having regard to the facts and circumstances of the case wherein no weapon has been attributed to this petitioner, there is no specific allegation of assault against him, his case being similarly situated with the co-accused who have been granted privilege of anticipatory bail/regular bail, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Araria in connection with Raniganj P.S. Case No.323/2016, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

