

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37760 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- GWALPARA District- Madhepura

Dhruv Kumar Mandal @ Dhruv Mandal @ Uday Kumar, aged about 22 years, Male, Son of Rajendra Mandal, resident of Village Sinduwari, P.S. Gwalpara, District Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rupesh Kumar, Advocate.
For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

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

The petitioner seeks bail in a case for the offence registered under Sections 302, 120(B)/34 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 07.10.2019 at about 20.00 P.M., in the evening, the husband of the informant, namely, Amar Kumar @ Abhash Kumar alongwith his nephew Pramit Kumar went to attend the *Bhoj* to the house of Sumit @ Sumitranand Swami. On 08.10.2019 at about 5.00



A.M. in the morning the informant came to know that at about 1.30 P.M. on 08.10.2019 in the night, in front of the house of Subhash Singh, co-accused Mannu Singh, Banti Kumar Manish Kumar @ Mohan Ji, Akku Kumar, Akhilesh Yadav, Rajiv Kumar @ Baua Singh, Ankit Kumar @ Anna Singh, Dhrub Mandal (petitioner) and other unknown criminals with conspiracy open fire upon her husband sustaining injuries and during his treatment in Sadar Hospital, Madhepura, he died.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 28.02.2020. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Altogether eight persons are said to have fired upon the deceased. Neither any specific allegation is alleged against the petitioner nor any specific injury is attributed against the petitioner. As per the postmortem report, there is only one single firearm injury was found on the body of the deceased. It is further submitted that in course of investigation, specific allegation has been made against co-accused Akku Kumar who is said to have fired upon the deceased in which the death of the deceased has taken place.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Udakishunganj, Madhepura, in connection with Gwalpara P.S. Case No. 184/2019.

(Sudhir Singh, J)

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