

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38000 of 2020

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

1. SURESH MANDAL S/o Late Laljee Mandal R/o village- Laliya, P.S.-
Gawalpara, District- Madhepura
2. RAHUL MANDAL @ RAHUL KUMAR S/o Umakant Mandal R/o village-
Laliya, P.S.- Gawalpara, District- Madhepura
3. ROHAN MANDAL @ ROHAN KUMAR S/o Umakant Mandal R/o
village- Laliya, P.S.- Gawalpara, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar Agrawal, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Ms. Pratibha Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-03-2021 Heard the learned counsel for the petitioners,
Ms. Pratibha Kumari, the learned counsel for the
informant and Mr. Nawal Kishore Prasad, the
learned APP appearing for the State.

The petitioners seek regular bail in
connection with Basnahi P.S. Case No. 10 of 2020,
registered for the offence punishable under
Sections 147, 148, 149, 341, 302/307 of the
Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that
the informant along with his uncle and cousin



brother were returning on a motorcycle from Mahua market to their 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 petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that as far as the petitioner no. 1 is concerned, he is a convict in one other criminal case, but the petitioner nos. 2 and 3 are having clean antecedent. It is also submitted that as far as the petitioners no. 1 and 3 are concerned, they are languishing in custody since 13.06.2020 and as far as the petitioner no. 2 is concerned, he is languishing in custody since



24.02.2020. The learned counsel for the petitioners has also submitted that there is no allegation of any sort of overt act, as far as the petitioners are concerned, hence, they have got no complicity in the matter and in fact, similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 22.12.2020 passed in Criminal Miscellaneous No. 34965 of 2020.

Per contra, Ms. Pratibha Kumari, the learned counsel appearing for the informant and Mr. Nawal Kishore Prasad, the learned APP for the State, have vehemently opposed the prayer for bail.

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 petitioners herein are concerned, apart from the fact that the petitioners are having a clean antecedent, hence, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are 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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