

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4378 of 2021

Arising Out of PS. Case No.-139 Year-2019 Thana- KURSAILA District- Katihar

Sanjit Mahaldar, Male, Aged about 33 years, Son of Vishnu Mahaldar @ Vishwanath Mahaldar Resident of Village-Balthi Maheshpur, P.S.-Kursela, District-Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 21-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kursela P.S. Case No. 139 of 2019, registered for the offence under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 28.07.2019, while the informant was returning home, this petitioner intercepted the informant and fired upon him, as a result of which, the informant sustained two grievous fire-arm injury.

It is submitted on behalf of petitioner that no such occurrence has taken place and petitioner has been made accused in this case due to the fact that there is land dispute between the parties. There is no eye-witness to the alleged



occurrence and petitioner is in custody since 29.08.2020.
Chargesheet has been submitted.

However, learned A.P.P. for the State has opposed the
bail petition.

Considering the rival submissions of the parties,
nature of injury and the fact that injury has been caused on the
stomach of the informant, I am not inclined to grant him bail.

However, once charge has been framed and trial is
commenced, the petitioner shall be released on bail by learned
trial court to its own satisfaction on the condition that he will
cooperate in disposal of trial and appear before court as and
when required.

With above observation, the bail petition stands
disposed of.

(Prabhat Kumar Singh, J.)

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