

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10678 of 2021**

Arising Out of PS. Case No.-372 Year-2019 Thana- BIHARIGANJ District- Madhepura

Dhruv Kumar Mandal Alias Dhruv Mandal Alias Uday Kumar Son Of
Rajendra Mandal R/O Village Sinduwari Ps Gwalpara District Madhepura
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr. Rupesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-08-2021 Heard Mr. Baxi S.R.P. Sinha, learned Senior Counsel

for the petitioner and Mr. Abhay Kumar No.1, learned A.P.P. for

the State.

Petitioner, in the present case, is seeking regular bail
in connection with Bihariganj P.S. Case No. 372/2019 registered
for the offence under Section 302, 120(B), 34 of the Indian
Penal Code and Section 27 of the Arms Act. He is in custody
since 24.02.2020.

As per the prosecution story, when the husband of the
informant was returning after attending a Bhoj from another
village together with the persons named in the First Information
Report, he was attacked in front of the house of one Palat
Rishideo, Ghuso Rishideo. It is alleged that co-accused Navin
Mandal, Mukesh Kumar Munna, Banti Mehra, Bibhishan

Mandal and Nawal Yadav with other ten unknown persons were hiding in the house of Ghoso Rishideo and as soon as the husband of the informant reached there the accused persons attacked. It is then alleged that Navin Mandal caught hold of the husband of the informant by his collar and shot at him from the pistol in his hand. The husband of the informant fell down whereafter again co-accused Navin Mandal, Mukesh Kumar, Banti Mehra and Nawal Yadav fired upon him.

Learned Senior Counsel for the petitioner submits that this petitioner is not named in the First Information Report. It is only at a belated stage after two days of the alleged occurrence the brother of the deceased made a statement as a hearsay witness that this petitioner was also involved in the alleged occurrence, however the independent witnesses whose statements are recorded in paragraph 32 and 33 of the case diary have stated that they had seen this petitioner fleeing away but they have not stated that this petitioner was seen involved in firing.

As regards the criminal antecedents of this petitioner, learned Senior Counsel submits that although the petitioner has made accused in altogether 11 cases but out of those in nine cases he has been granted bail and in other cases his prayer for

bail is pending. In this case he has remained in custody for one year six months approximately.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, he has read over the statements in the case diary and submits that so far as the independent witnesses are concerned, they have only stated that this petitioner was seeing fleeing away.

Considering the facts and circumstances of the case, in the nature of the materials placed before this court wherein this petitioner is not named in the F.I.R., his name has transpired two days after the alleged occurrence as a person who was seeing fleeing away from the spot, the petitioner has remained in jail for one year six months approximately, investigation against him is complete but the trial is not likely to take place in near future, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 372/2019 corresponding to CIS No. 1426/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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)

Rajeev/-

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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'.