

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7309 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- PHULPARAS District- Madhubani

1. Chandrashekhar Mandal Son of Dev Chandra Mandal Resident of Village - Sakhua, P.S. laukahi, District - Madhubani.
2. Ajay Mandal Son of Lal Dev Mandal @ Lala Dev Mandal Resident of Village - Sakhua, P.S. laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deep Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Vikash Kumar, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Phulparas
P.S. Case No. 286 of 2021 registered for the offence under
Section 307, 326, 34 of the Indian Penal Code and 27 of the
Arms Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 17.09.2021.

The allegation against the petitioners is to fire upon
the informant/injured, while sitting at shop counter, in his



medical-shop, with intention to cause death.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners are not named in the FIR and during course of investigation their name surfaced on the basis of confessional statement of co-accused, namely, Pappu Kumar. It has further been submitted that nothing surfaced during course of investigation, which may incriminate or connect the petitioners in the present set of occurrence. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioners are not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as name of the petitioners surfaced on the basis of confessional statement of the co-accused and surfaced nothing during course of investigation coupled with the fact that charge-sheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Phulparas P.S. Case No. 286 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned



ACJM, 1st, Jhanjharpur, Madhubani, subject to the following conditions:

“(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be Lal Deo Mandal @ Laladev Mandal, who is the father of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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