

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23306 of 2022

Arising Out of PS. Case No.-138 Year-2020 Thana- PIRPAINTI District- Bhagalpur

Banarsi Mandal Son of Late Keshav Mandal Resident of Village - Kishan Pd
Lal Bathani, P.S.- Mufassil, Distt.- Sahebganj (Jharkhand).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. A.G, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-07-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Pirpainty P.S. Case No. 138 of 2020 lodged under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case is that the son of the informant
was returning from the house of Mandeep Mandal. The
informant was also coming from the market. The informant has
made allegation against 5 persons including the present
petitioner that all the accused persons fired on his son Rakesh
Kumar by Pistol due to which he injured and died on spot itself.



Learned counsel for the petitioner submits that petitioner is named in the F.I.R. but his name has figured only due to the reason that he is son-in-law of co-accused Jichhu Mandal who has nothing to do with the dispute which exists between his father-in-law and his co-villagers. He further submits that petitioner's antecedent is clean and he is in custody since 16.09.2021. He further submits that on the similar allegations co-accused Santosh Kumar and Jichhu Mandal were granted bail by the Co-ordinate Bench of this Court vide order dated 28.04.2022 passed in Cr.Misc. No. 47887 and vide order dated 28.04.2022 passed in Cr. Misc. No. 60473.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. IX cum Special Excise Judge 1st, Bhagalpur in connection with Pirpainty P.S. Case No. 138 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall



appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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