

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23160 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Pinku Mandal S/O Dharmraj Mandal Resident Of Village - Babupur, P.S. -
Pirpanti (Bakharpur), District - Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Sessions
Trial No. 83 of 2022 arising out of Pirpanti (Bakharpur) P.S. Case
No. 278 of 2021 registered for the offences punishable under
Sections 341, 323, 307 of the Indian Penal Code and Sections
25(1-b)a/26 of the Arms Act.

As per prosecution case, there is accusation against
the petitioner that he put 'Gamcha' around neck of informant and
threatened him on gunpoint saying "why did you vote for other".
Hearing the noise, villagers came there and took control over the
petitioner and handed him over to the police. It has been further
submitted that one country made pistol as well as three cartridges



was seized from possession of petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 04.12.2021, petitioner bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that no injury report is produced so, no offence under Section 307 of Indian Penal Code is made out. Learned counsel for the petitioner further submits that alleged arms and ammunition is produced by the private person which came under preview of Section 37 of Arms Act and no offence under Section 25(1-B)a/26 of Arms Act is made out. From the perusal of the FIR itself, the occurrence committed at the time of Panchayat Election regarding casting of vote to the person who is inimical to the anti-parties as such, the alleged occurrence is based on plantation of the allegation of recovery of Arms.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record and arguments advanced on behalf of the petitioner, let the



petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge, Bhagalpur in connection with Sessions Trial No. 83 of 2022 arising out of Pirpanti (Bakharpur) P.S. Case No. 278 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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