

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24558 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- GWALPARA District- Madhepura

1. Uma Kant Mandal S/o Rajkumar Mandal Resident of Village- Lalia, P.S.- Khalpara, District- Madhepura.
2. Manilal Mandal S/o Rajkumar Mandal Resident of Village- Lalia, P.S.- Khalpara, District- Madhepura.
3. Subhash mandal S/o Rajkumar Mandal Resident of Village- Lalia, P.S.- Khalpara, District- Madhepura.
4. Rajkumar Mandal S/o Lalji Mandal Resident of Village- Lalia, P.S.- Khalpara, District- Madhepura.
5. Rupesh Mandal S/o Suman Mandal Resident of Village- Lalia, P.S.- Khalpara, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 10-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

The petitioners seek regular bail in connection with Gwalpara P.S. Case No. 43 of 2021, lodged under Sections 302, 34 of the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, a written report was submitted to the SHO of Gwalpara Police Station alleging therein that the informant's niece aged about 13 years has gone towards east from the house to attend the call of nature, and

after some time the informant heard sound of bullet then informant and his family members went there and have seen that one bullet had hit below the left side of waist of the informant's niece, and she was tossing and tumbling. Informant went to a nearby health center where the injured was died due to bullet injury. Allegation of commission of said crime has been made against 7 named accused persons including the petitioners. The reason behind the same was described as previous dispute going on between the parties.

Learned counsel for the petitioners submits that as per the allegation made in the F.I.R., only suspicion has been raised against the petitioners alongwith other accused persons. He further submits that petitioners are in custody since 17.11.2021. He further submits that in the entire investigation no material save and except the suspicion is available. He also submits that there is no eye witness of the occurrence and the weapons used in the crime was also not been recovered. On the point of criminal antecedent of petitioners, learned counsel for the petitioners submits that there are 5 criminal cases pending against the petitioners and in all the cases they are on bail.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is the petitioners alongwith other accused persons have committed the said offence. He further submits that antecedent of petitioners are not clean and there is previous enmity, due to which the said crime has been committed.

On specific query that whether charge has been framed in this case or not, learned counsel for the petitioner submits that charge has not been framed in this case at present.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners, therefore, their bail application is hereby rejected, but liberty is hereby granted that they may renew their prayer for bail after 3 months of framing of charge and the Trial Court is directed to release them on bail thereafter imposing conditions, so that they may not evade their appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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