

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25486 of 2022**

Arising Out of PS. Case No.-669 Year-2021 Thana- KAHALGAON District- Bhagalpur

Rishi Mandal, Son of Karu Mandal Resident of Pannuchak, P.S. Ghogha,
District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Kahalgaon (Ghogha) P.S. Case No.669/2021 instituted
under Section 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per the allegation in the FIR, the informant has
alleged that when his younger brother was going to attend the
call of nature, the accused persons tried to assault him. As he
started running back home, it is alleged that accused Sobha Kant
Mandal used his leg to bring him down. As a result, his brother
fell down on the ground whereafter both Tibba Mandal and
Shobha Kant Mandal opened fire on him causing his death.
Further allegation is that when the informant who was standing



on the shop tried to escape, this petitioner opened fire which however did not hit him. As the villagers started assembling, the accused persons fled away. The reasons behind the occurrence is land dispute.

Learned counsel for the petitioner submits that bare perusal of the FIR shows that specific allegation is against Tibba Mandal and Shobha Kant Mandal and there is only an allegation of opening fire on the petitioner towards informant which crossed his face did not hit him. He further submits that he is in custody since 20.10.2021 (as stated in para-14 of the bail application).

Taking into account the fact that specific allegation of causing death to the informant's brother Kailash Mandal is on Shobha Kant Mandal and Tibba Mandal whereas only the allegation of firing is attributed to this petitioner which do not hit the informant, he is in custody since 20.10.2021 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kahalgaon (Ghogha) P.S. Case No.669/2021 to the satisfaction of learned



Additional District & Sessions Judge, Vth, Bhagalpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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