

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28150 of 2022

Arising Out of PS. Case No.-254 Year-2020 Thana- AMARPUR District- Banka

Mahesh Singh @ Mahesh Mandal, Son of Rajendra Singh Resident of Village
-Kushumkhar, P.S. - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

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
S.T. No.18 of 2022 arising out of Amarpur P.S. Case No.254/2020
instituted under Sections 302/34 of the IPC and 27 of the Arms Act.

The FIR has been lodged by the lady, widow, whose
husband was shot at. He was treated thereafter to Mayaganj Hospital,
Bhagalpur and from there to a private hospital for better treatment.
However he succumbed to the injuries four months later on
13.02.2020. The informant finally chose to lodge this FIR on
20.05.2020 attributing the killing to the accused persons including
the petitioner herein.

Learned counsel for the petitioner submits that a person
was shot at and was in hospital and as such the natural consequences



should have been lodging of the FIR by the informant and /or family member.

His further submission is that even after his death on 13.02.2020, there was an opportunity to lodge the FIR. However, three months later on 20.05.2020, the FIR is lodged and he has been named as one of the co-accused. He as such submits that considering the said inordinate delay as also the fact that he is in custody since 06.04.2021 (as stated in para-8 of the bail application), he deserves bail. He lastly submits that one of the co-accused namely Nandan Singh has since been released on bail vide Cr. Misc. No.28414 of 2021 on 30.11.2021 by a co-ordinate Bench of this Court.

Taking into account all the aforesaid facts, this Court considers the seven months period to be an inordinate delay in lodging of the FIR, the petitioner has already suffered by being in custody since 06.04.2021, the charges have already been framed on 19.02.2022 and ultimately the petitioner has to face the Trial.

Considering all the aforesaid facts, 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 S.T. No.18 of 2022 arising out of Amarpur P.S. Case No.254/2020 to the satisfaction of learned Additional Sessions Judge,IIIrd, Banka , 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.

Nothing observed in the bail application shall be taken into consideration at the time of Trial.

(Rajiv Roy, J)

Prakash Narayan /-

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