

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29580 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- SHAMBHUGANJ District- Banka

1. PAWAN KUMAR SON OF NANDU @ NANDLAL MANDAL R/O-
VILLAGE- KATHARA P.S.- SULTANGANJ, DISTRICT- BHAGALPUR
2. NANDU @ NANDLAL MANDAL SON OF LATE KAMLESHWARI
MANDAL R/O- VILLAGE- KATHARA P.S.- SULTANGANJ, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31304 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- SHAMBHUGANJ District- Banka

SULOCHANA DEVI @ SULOCHAN DEVI Wife of Late Uday Mandal
Resident of Village - Bhikhanpur, Bariya Tola, P.S.- Sultanganj, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29580 of 2022)

For the Petitioner/s : Mr.Bipin Bihari Prasad

For the Opposite Party/s : Mr.Suresh Pd. Singh, APP

(In CRIMINAL MISCELLANEOUS No. 31304 of 2022)

For the Petitioner/s : Mr.Bipin Bihari Prasad

For the Opposite Party/s : Mr.Lalan Kumar

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

3 28-09-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Both the petitions are heard together and are being



disposed of by this common order as they arise out of the same police station case number.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in Shambhuganj P.S Case No. 03 of 2022 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and 27 of the Arms Act.

As per allegation, in furtherances of conspiracy hatched by the petitioners and co-accused persons, informant's mother was shot dead on account of land dispute and the informant suspected that petitioners and co-accused persons killed her mother.

The main submissions advanced by learned counsel Shri Bipin Bihari Prasad appearing for the petitioners are that in the FIR there is no specific allegation against the petitioners, only suspicion has been raised by the informant against the petitioners on account of land dispute, there is no eye-witness of the alleged murder and during course of investigation, informant alleged in her re-statement that murder of her mother was committed by co-accused Himalaya Kumar, said statement is contradictory to the statement made in the FIR and during



course of investigation, supervising authority of police found petitioner- Sulochana Devi to be innocent. Further submission is that investigation has been completed against them.

Sri Suresh Prasad Singh and Sri Lalan Kumar, learned APPs appearing for the State have opposed the prayer for bail of both petitioners.

Heard both sides, perused the FIR and case diary of the case.

The instant matter relates to murder of informant's mother by causing firearm injury to the victim. Petitioner-Pawan Kumar is named in the FIR and as per allegation made in the FIR the said petitioner earlier attempted to kill the victim by using firearms for which Bath P.S. Case no. 17/2021 was lodged and admittedly, there was a land dispute in between the petitioners and the deceased at the time of alleged occurrence.

Considering the nature of the allegation appearing against the petitioner- Pawan Kumar as well as his criminal antecedent relating to case of attempt to murder committed by him in respect of the deceased of the present case, in the opinion of this court, petitioner does not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

Trial court is directed to expedite the trial of the



petitioner and take steps to conclude the same at the earliest. If the trial of the petitioner is not concluded in the next one year, he may renew his prayer for bail before the trial court. If he avails the said liberty, the trial court shall decide the bail petition on merits without being prejudiced by this order.

So far as petitioners- Nandu @ Nandlal Mandal and Sulochana Devi @ Sulochan Devi are concerned, against them there is no specific allegation, in the opinion of this court, a lenient approach can be taken in respect of these petitioners.

Let the petitioners, namely, Nandu @ Nandlal Mandal and Sulochana Devi @ Sulochan Devi be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate IV, Banka in Shambhuganj P.S Case No. 03 of 2022.

(Shailendra Singh, J)

s.hassan/-

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