

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45984 of 2021

Arising Out of PS. Case No.-87 Year-2019 Thana- MALAYPUR District- Jamui

Subhash Mandal @ Subhash Kumar Mandal Son of Ramchandra Manal
Resident of Village- Patauna, P.S.- Malaypur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anwar Karim, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks regular bail in connection with Malaypur P.S. Case No. 87 of 2019 instituted for the offences under Sections 307, 120B and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 12.02.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that informant in the F.I.R. alleges that while he was returning to his house at village Patauna on 17.10.2019 at about 5.45 pm, he heard a gun shot and fell down on the right side of his bike, thereafter he realised that blood was oozing from his body and



when he turned back he saw the petitioner carrying a pistol and was trying to load it. It is further alleged that he understood that he was shot by the petitioner and thus he escaped from the place of occurrence on motorcycle and collapsed near his house and was taken to hospital by his family members and co-villagers at Jamui from where he was referred to PMCH Patna where he gave his statement and the F.I.R. was instituted. The reason for the occurrence is alleged to be that the petitioner suspected that the informant was having illicit relationship with his wife.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as it absolutely does not stand to reason that a person who suspects that his wife was having an illicit relationship with this petitioner would commit the occurrence by himself and thus get identified and would get implicated in the case. It is further submitted that in the F.I.R. it is disclosed that the petitioner was taken to Jamui Hospital but despite having gun shot injury no F.I.R. was instituted at the Government Hospital at Jamui, it further shows that the informant by way of after-thought implicated the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the petitioner is in custody since 12.02.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Malaypur P.S. Case No. 87 of 2019.

(Satyavrat Verma, J)

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