

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36770 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- AMARPUR District- Banka

Awadhesh Mandal @ Av Dhesh Prasad Sah Son Of Late Jano Mandal
Resident Of Village- Bhadariya, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Praveen Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioner seeks permission to make necessary correction in paragraph no. 1 of the application.

Permission is accorded.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Amarpur P. S. Case No. 60 of 2022 registered for the offences punishable under Sections 341, 323,



307, 504 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on *fardbayan* of the informant alleging therein that while he was going to his field, in the meantime, Sikandar Mandal and the petitioner surrounded him and started abusing and when the informant objected the same, co-accused Sikandar Mandal took out his pistol and fired upon him from the back due to which the informant sustained fire-arm injury.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R. it is evident that no allegation has been levelled against the petitioner, save and except hurling of abuses, however, the specific allegation of firing has been attributed against co-accused Sikandar Mandal. It is also submitted that the petitioner having fair antecedent, is in custody since 22.04.2022 and after completion of the investigation, charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation and the period of incarceration and fair antecedent of the



petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P. S. Case No. 60 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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