

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37745 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- AKBARNAGAR District- Bhagalpur

MAKYA MANDAL @ BALMIKI MANDAL Son of Anandi Mandal
Resident of village - Amri, P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s :	Mr. Manoj Kumar, APP
For the Informant :	Mrs. Pravina Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-09-2022 Heard learned counsel for the petitioner, informant
and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Akbarnagar, P.S. Case No. 127 of 2021 for the offences
under Sections 147, 148, 149, 341, 302 and 504 of the Indian
Penal Code and Section 27 Arms Act.

As per the prosecution story, the informant along with
his family member was going towards their house when the
accused persons including the petitioner herein making unlawful
assembly surrounded them and further Joginder Mandal @ Kare
Mandal fired on the chest of the informant's son, Tripurari



Kumar causing his immediate death. The allegation against the other accused persons is of resorting to firing as also having caught hold of the informant's son.

Learned counsel for the petitioner submits that so far as the opening of fire and killing of the son is concerned, it is specifically alleged against Joginadar Mandal @ Kare Mandal and further omnibus allegation is there against all the accused persons. It is further submitted that the case was registered on 28.12.2021 and immediately thereafter, he came into judicial custody on 24.01.2022.

Learned counsel for the informant, Mrs. Pravina Kumari, on the other hand, submits that all of them with common intention caught hold of the informant's son which facilitated Joginder Mandal @ Kare Mandal of firing on the chest of the informant's son causing his immediate death. Her last submission is that trial has begun and two witnesses have been examined.

Taking into account the aforesaid facts that the specific allegation is against Joginder Mandal @ Kare Mandal of opening fired and killing the son of the informant, the petitioner is in custody since 24.01.2022, charge sheet stands submitted, this Court is inclined to grant him privilege of bail



subject to certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st, Bhagalpur in connection with Akbarnagar P.S. Case No. 127 of 2021, subject to the 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 reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his presence;

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

(v) the petitioner shall desist from committing any



criminal offence again 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)

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