

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55900 of 2021

Arising Out of PS. Case No.-402 Year-2018 Thana- BIHPUR District- Bhagalpur

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ASHOK MANDAL Son of Late Janarri Mandal @ Jauardhan Mandal
Resident of Village - Dudhila, P.s.- Bihpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioner, the State and perused the case diary.

The petitioner seeks regular bail in a case registered for the offences punishable under sections 302/120B and other allied sections of the Indian Penal Code and sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

As per the prosecution case, on the secret information that criminals have assembled in the house of the petitioner to commit some crime, police raided the said house. Meanwhile, petitioner and other accused persons started indiscriminate firing upon the police party. In the exchange of firing, SHO and a criminal sustained fire arms injuries and died thereof. Huge cache of arms and ammunition were recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and the recovery has been made from the base of the petitioner which is not in his exclusive possession. Petitioner is



in fact a farmer and has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 10.6.2019.

Learned counsel for the State opposes the prayer for bail and submits that huge cache of arms and ammunition have been recovered from the house of the petitioner. At the time of firing on the police party in which SHO has been killed, petitioner was also present at the place of the occurrence along with other accused persons and was indulged in making fire on the police party. Besides this, trial has proceeded and several prosecution witnesses have also been examined in the trial.

Considering the nature of accusation against the petitioner and the progress of the trial, his prayer for bail is refused.

Let the trial be expedited.

(Prabhat Kumar Singh, J)

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