

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56879 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- KAHALGAON District- Bhagalpur

HIRAN MANDAL Son of Kartik Mandal Resident of Village- Saitpura
Kulkuliya, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Ms.Pravina Kumari Singh, Advocate
For the Opposite Party	:	Mr.Ramchandra Sahni, APP
For the Informant	:	Mr. Najmul Hoda, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Ramchandra Sahni, learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Kahalgaon P.S. Case No. 254 of 2020 in S.T.
No. 4251/2021 registered for the offences punishable under
Section 302, 307, 34 of the Indian Penal Code . He is in custody
since 23.03.2021 having one criminal antecedent as stated in
paragraph ‘3’ of the application.

As per the prosecution story, when the informant
alongwith his brother Vidyanand Shastri were sitting in the old
School the accused persons named in the F.I.R. including the
petitioner reached there. It is alleged that Vishnu Mandal and
Rodhan Mandal caught Vidyanand Shastri and Amit Das pulled



out three-nut from his waist and gave it to Dhruplal Mandal who shot at his brother in the stomach due to which his brother fell down and became restless. It is then alleged that co-accused Bhushi Mandal and Srikant Mandal caught the informant and Jangli Mandal gave three-nut to Hiran Mandal (the petitioner) who shot at the informant with intention to kill him. The informant is said to have suffered lacerated fire-arm injury on the lower part of his leg.

Submission of learned counsel for the petitioner is that only one fire-arm injury was caused to the informant that too on his lower part of his leg has not been controverted by learned A.P.P. for the State.

Learned counsel for the informant has submitted that this petitioner was also accompanying the main assailant Dhruplal Mandal at the time of alleged occurrence.

Learned A.P.P. for the State has also opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and on noticing that so far as this petitioner is concerned, there is no allegation that he had committed any overt act against the deceased, the allegation against him is that of firing a shot at the informant and the injury is on the non-vital part of the body, the



petitioner has remained in custody since 23.03.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur in connection with Kahalgaon P.S. Case No. 254 of 2020 in S.T. No. 4251/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

