

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54609 of 2022**

Arising Out of PS. Case No.-147 Year-2021 Thana- PIRPAINITI District- Bhagalpur

Kailash Mandal @ Amit Kumar Son of Sukdeo Mandal R/V- Laxman Tola,
P.S- Pirpanti, Dist- Bhagalpur Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks.

Heard learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Pirpanti P.S. Case No. 147 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code and Section 27 of the Arms. Act. He is in custody since 16.07.2021. He has one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 05.07.2021 while the informant and his brother Shankar Mandal were returning home, Kailash Mandal (this petitioner) fired from the gun which caused injury on the chest of his younger brother and he fell down. While the informant was lifting his injured brother, Bhola Mandal fired from behind which caused injury



in his left leg and he too became injured. Thereafter the informant tried to escape and in the meantime, his brother died. It is further alleged that Chunchun Mandal assaulted the informant with lathi and Dilip Mandal, Jaikant Mandal, Rohit Mandal, Chamki Devi, Sarita Devi all helped them in firing.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is in custody since 16.07.2021.

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

Having regard to the allegation that this petitioner had fired from his gun and that proved fatal to the life of the brother of the informant, in the alleged occurrence, the informant had also suffered injury from the firing made by co-accused Bhola Mandal, in the nature of the seriousness of the allegations, this Court is not inclined to release the petitioner on bail.

The prayer for bail of the petitioner is, thus, rejected.

The application is dismissed.

Let the trial be expedited.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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