

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67089 of 2021

Arising Out of PS. Case No.-219 Year-2021 Thana- FALKA District- Katihar

Upendra Mandal Son Of - Late Kiru Mandal Resident Of Village And P.O.-
Dumar, P.S.- Falka, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 29-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

In the present case, the petitioner seeks bail in
connection with Falka (Pothiya) P.S. Case No. 219 of 2021
registered for the alleged offences under Sections 302, 120(B), 34
of Indian Penal Code and Section 27 of Arms Act.

Allegedly the petitioner and co-accused persons shot the
father of the informant dead in the background of some land
dispute.

The learned counsel for the petitioner submits that
petitioner has been falsely implicated in this case as land dispute is
admitted and wife of the petitioner has earlier filed a case against
the deceased and his family members under Sections 341, 323,



325, 307, 504/34 of I.P.C. and the trial of the case is in advance stage. It is not believable that the person who received gun shot injury on face could utter something or take the name of the petitioner. Even during investigation police did not find anything against the petitioner. Learned counsel for the petitioner further submits that the petitioner was present in his house when he was arrested and this shows his innocent mind. The petitioner is in custody since 02.07.2021.

Learned A.P.P. for the State opposed the prayer for bail. He submits that the petitioner is the main assailant who shot the father of the informant dead and there is direct allegation against him.

Having regard to the submissions made hereinabove and considering the fact that there is direct allegation against the petitioner for causing death of the father of the informant using firearms, I am not inclined to enlarge the petitioner on bail at this stage.

However, the petitioner may renew his prayer for bail after nine months if the trial is not concluded within the said period.

(Arun Kumar Jha, J)

ved/Shweta

U		T	
---	--	---	--

