

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67322 of 2021

Arising Out of PS. Case No.-614 Year-2019 Thana- NATHNAGAR District- Bhagalpur

Sourabh Kumar @ Nanda Mandal @ Surav Kumar Mandal Son of Late
Kameshwar Mandal Resident of Village- Digghi near Durga Asthan, P.S.-
Madhusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 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 Nath Nagar (Lalmatiya) P.S. Case No. 614 of
2019 registered for the alleged offences under Sections 307 and
34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner fired upon the informant and
the shot hit on the left leg of the informant.

The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in this case due to
previous enmity as the brother of the petitioner was killed by the



informant and his associates. It is further submitted that sister-in-law of the petitioner was the informant of the said case which was registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act. Moreover, even if, allegations are taken to be true, the injury has been caused only in leg and it could not be said that there has been an attempt to murder the informant. Further, the informant has not provided any motive as to why the petitioner would try to kill him and this shows the falsity of allegation. Except for the informant, there is no other eye witness which is surprising. Then the identification of the petitioner and others in darkness by the informant makes the case of the prosecution very doubtful. The petitioner is in custody since 28.06.2021.

Learned A.P.P. for the State has opposed the prayer of bail submitting that there is direct allegation against the petitioner that he opened fire and tried to kill the informant.

Having regard to the submissions made hereinabove and considering the fact that due to the previously instituted case against the informant for murder of the brother of the petitioner false implication cannot be ruled out and under the aforesaid facts and circumstance and further considering the period of custody, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge XI, Bhagalpur in connection with Nath Nagar (Lalmatiya) P.S. Case No. 614 of 2019, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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