

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3399 of 2023**

Arising Out of PS. Case No.-140 Year-2022 Thana- KHAGARIA District- Khagaria

NIRANJAN MANDAL S/O LATE JAGESHWAR MANDAL R/V-
MEHSOUDHI, P.S.- MUFFASIL, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Khagaria
(Muffasil) P.S. Case No. 140 of 2022 registered for the offence
under Sections 447, 448, 341, 323, 307, 385 and 34 of the
Indian Penal Code and 27 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.07.2022.

The allegation against the petitioner is to open fire
upon wife of the informant, causing firearm injury, having
intention to cause death, where, occurrence alleged to be arises
out of previous enmities.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner implicated falsely in this case, for the



reason that the present FIR was lodged after delay of 38 days without having any just explanation. It is pointed out that the informant is eye-witness of the occurrence, where, he specifically stated that a firearm injury caused to her wife, but no such injury was noticed, during course of investigation, as alleged, which falsify the allegation on its face. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as present FIR was lodged with a delay of 38 days without having any just explanation, where no such injury was noticed during investigation coupled with the fact that charge-sheet has been submitted, where, petitioner is in custody since 09.07.2022, let the petitioner, above named, is directed to be released on bail in connection with Khagaria (Muffasil) P.S. Case No. 140 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Khagaria/concerned court, subject to the condition as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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