

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4664 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- ANDHRAMATH District- Madhubani

Dr. Bindeshwar Mandal @ Bindeshwar Mandal S/O Bhubneswar Mandal
R/V- Jarouli,P.S.- Andhramath, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 04-09-2023 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 379, 427, 307 and 302 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegation against the FIR named accused persons including this petitioner along with some unknown persons came at the house of the informant and started damaging household articles. On protest by the husband of the informant along with her, the petitioner opened fire upon the husband of the informant on his abdomen by *Nalkatta*. It is further alleged that one of the accused persons fired upon the informant as well due to which she sustained firearm injury. Later on, the husband



of the informant was declared dead in the hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to long land dispute between the parties. It is further submitted that the Fardbayan of the informant and postmortem of the deceased were conducted on 22.04.2022 whereas the FIR was registered on 23.04.2022 after delay of one day, which creates doubt upon the authenticity of prosecution version. It is further submitted from para-3 of the supplementary affidavit that the informant has made an allegation that the petitioner made firing with *Nalkatta* (Pure country made pistol) whereas, as per seizure list of Andhramath P.S. Case No. 59 of 2022 shows that automatic pistol supply for U.S.A. has been recovered having with cartridges, so the question of firing from the petitioner does not arise and he has been granted bail in connection with Andhramath P.S. Case No. 59 of 2022. In that case, charge sheet has also been submitted and it is nowhere mentioned in the entire investigation that the firing was made from the recovered pistol from the possession of the petitioner and there is no opinion of FSL so it can be presumed that the firing was not made by the hands of the petitioner only on the basis of long



standing dispute of land, the name of the petitioner has been shown as main assailant. It is also submitted from perusal of the report regarding stage of trial, there is no hope to conclude the trial in near future. It is submitted on behalf of the petitioner that petitioner is 75 years old person and languishing in judicial custody since 23.04.2022.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that the petitioner is named in FIR and he opened fire upon the deceased. It is also submitted that postmortem report corroborated with the prosecution version.

6. Having heard learned counsel for the parties and considering the custody period of the petitioner as well as his old age, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Andhramath P.S. Case No. 58 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jhanjharpur.

(Sunil Kumar Panwar, J)

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