

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10495 of 2023

Arising Out of PS. Case No.-163 Year-2019 Thana- GOPALPUR District- Bhagalpur

SINTU MANDAL Son of Late Om Prakash Mandal @ Sri Prakash Mandal
Resident of Village- Gyanidas Tola Tintanga, P.S.- Gopalpur (Rangra O.P.),
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gopalpur
(Rangra) P.S. Case No. 163 of 2019 dated 01.06.2019 registered
for the offence under Sections 448, 341, 323, 307, 504, 506 and
34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is alleged to have opened fire upon him
as a result of which he sustained bullet injury near his ear and he
fell down. It is further alleged that the petitioner along with
another co-accused, taken away the father of the informant near
the bank of Ganga river and threatened him not to lodge the case
before the police.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case. He further submits that from bare perusal of the F.I.R., it transpires that on the order of co-accused, Bedanand Mandal, the petitioner fired upon the informant causing him bullet injury near his ear and became unconscious. He further submits that the injury report of the informant suggests that the injury sustained by the informant is simple in nature. More so, no allegation of repetition of firing is alleged against the petitioner, therefore, it could be assumed that there was no motive to kill the informant rather the scuffle took place between the parties on account of a land dispute, therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioner. Further, no empty cartridge has been recovered from the place of occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries nine more cases other than the present one and out of nine, the petitioner has been granted bail in eight cases as stated in the supplementary affidavit filed on behalf of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-3rd, Naugachia, Bhagalpur in connection with
Gopalpur (Rangra) P.S. Case No. 163 of 2019 with the following
conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

brajesh/-

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

