

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8277 of 2023

Arising Out of PS. Case No.-68 Year-2021 Thana- BASANHI District- Saharsa

1. NIRAJ MANDAL @ NIRAJ KUMAR Son of Bhukhan Mandal @ Bhukhan Singh Resident of Village - Dotara, P.S.- Basnahi, District - Saharsa.
2. Sital Mandal @ Sital Singh Son of Bhukhan Mandal @ Bhukhan Singh Resident of Village - Dotara, P.S.- Basnahi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of Basnahi Police Station Case No. 68 of 2021 dated 07.06.2021, disclosing offences under Sections 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, on the basis of First Information Report, is that on 07.06.2021, in the morning at about 04:00 am, the informant with her family members was sitting in front of their house on a machaan, the petitioners along with the co-accused persons arrived there, armed with lethal weapons, and co-accused Bhanu Mandal fired upon the husband



of the informant, which hit near his head and co-accused Sunil Kumar fired from his pistol, which hit near the ribs of the informant's husband, due to which he died. Other co-accused persons fired in the air. The reason behind the occurrence has been given due to land dispute of the informant's family with one Satyendra Mandal and Sanjay Mandal.

Learned counsel for the petitioners submits that the petitioners are full brothers and they have falsely been implicated in this case due to village rivalry.

He further submits that there is no allegation against them that the petitioners have fired upon the husband of the informant and rather the allegation of firing upon the deceased is upon Bhanu Mandal and Sunil Kumar.

The only allegation against the petitioners is that they fired in the air, which did not hit anybody.

The petitioner no. 1 and 2 are in custody since 11.10.2022 and 23.07.2022 respectively.

Regards being had to the submissions made by the parties and taking into consideration the nature of allegation and the fact that the petitioners are not the assailant of the deceased and they are in custody since 11.10.2022 (petitioner no. 1) and 23.07.2022 (petitioner no. 2) and charge-sheet has already been



submitted against them and there is no likelihood that the petitioners will abscond and/or temper with evidence, accordingly, I am inclined to grant regular bail to the petitioners.

Let the petitioners, above named, 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-III, Saharsa in connection to the Basnahi Police Station Case No. 68 of 2021 dated 07.06.2021, disclosing offences under Sections 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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