

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10177 of 2022

Arising Out of PS. Case No.-137 Year-2020 Thana- BIHARIGANJ District- Madhepura

RANJEET MANDAL Son of Sri Basudeo Mandal @ Basdev Mandal
Resident of Village- Mahikhnad, Badiya, P.S.- Barhara Kothi (Raghubansh
Nagar), District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 06-01-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 307 and 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner
has antecedent of six cases but out of six cases he has been acquitted
in four cases and in rest two of the cases he is on bail which are not
under major sections of the Indian Penal Code. Learned counsel next
submits that petitioner is in custody since 27.10.2021.

The informant alleges that the accused persons came and
killed her husband by firing and she also received firearm injury.
Further, her husband received firearm injury on different parts of his



body and the occurrence took place on account of dispute relating to land and the informant also identified the named assailant including the petitioner and Rajesh Yadav.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of firing is general and omnibus in nature. It is further submitted that no doubt the deceased received four gunshot injuries but then the allegation is not specific. It is next submitted that the FIR itself discloses that the occurrence took place on account of dispute relating to land which was in between the deceased, Bisho Yadav, Kailash Yadav and Nirmala Devi. It is also submitted that the occurrence is alleged to have been committed by the accused persons at the behest of Bisho Yadav and others. It is further submitted that petitioner is not related to Bisho Yadav, Kailash Yadav and Nirmala Devi in any manner, as such, no benefit would have accrued to him by committing the occurrence. It is next submitted that because of antecedents of the petitioner, he has been implicated in the present case. It is also submitted that purpose of arrest is not to punish as allegations are in realm of allegation and are yet to be tested in a duly constituted trial. It is further submitted that charges have already been framed and the petitioner will face the trial and will not abscond. It is next submitted that in the event, if the petitioner is acquitted of the charges in the trial how his period of incarceration be compensated.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihariganj P.S. Case No. 137 of 2020, subject to the condition that one of the bailors of the petitioner shall be his father Basudeo Mandal @ Basdev Mandal.

Further, in the event, if the learned trial court comes to a conclusion that the petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall forthwith cancel the bail bonds of the petitioner after recording reasons and shall take all coercive steps to ensure that the petitioner is behind bar.

(Satyavrat Verma, J)

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