

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27564 of 2023

Arising Out of PS. Case No.-126 Year-2022 Thana- BAUSI District- Araria

Manish Mandal @ Manish Kumar Mandal @ Manish Kumar Son of
Bidyanand Mandal @ Vidyanand Mandal, Village- Basaiti, Ward No-11, P.S.-
Bousi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-06-2023 Let the defect, if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Bousi P.S. Case No. 126 of 2022 dated 13.12.2022 lodged under
Sections 302/34 of the I.P.C. read with section 27 of Arms Act.

4. As per the prosecution, there are four named accused
persons and three unknown accused persons are there in the
F.I.R. It has been alleged in the F.I.R. against the petitioner that
upon his order accused Mandip Kumar Paswan has fired at the
deceased and died.

5. Counsel for the petitioner submits that from the
content of the F.I.R. it transpires that there is no eye-witness of

this occurrence. He denied the allegation made in the F.I.R. that he is order giver. Counsel further submits that another named accused Guddu Kumar Paswan has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 24362 of 2023. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 16.12.2022.

6. Learned counsel for the State opposes the prayer for bail and submits that there is a direct allegation in the F.I.R. that on the instruction of petitioner, accused Mandip Kumar Paswan fired upon the deceased which caused death, whereas no such allegation against the co-accused to whom this Court has granted bail.

7. In the present facts and circumstances, I am not inclined to grant bail to the petitioner. Therefore, bail petition of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

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