

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32692 of 2023

Arising Out of PS. Case No.-625 Year-2022 Thana- GOPALPUR District- Bhagalpur

Subodh Mandal son of Bailu @ Baleshwar Mandal Village- Madhusudanpur
Baisi Ps- Rangra OP Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Gopalpur
(Rangra) P.S. Case No. 625 of 2022 registered for the offence
under Sections 302/34 of the Indian Penal Code and under
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.01.2023.

The allegation against the petitioner is to commit
murder of brother of informant alongwith other named co-
accused persons by causing firearm injuries, where occurrence
arises out of long-standing previous enmities.



Learned counsel appearing on behalf of the petitioner submitted that informant is the eye witness of the occurrence, who specifically alleged that named co-accused persons Rajesh Yadav, Brajesh Yadav and Summit Yadav opened fire upon his brother, causing his death, where during the course of investigation nothing recovered/surfaced as to suggest petitioner even as conspirator. It is pointed out that save and except suspicion, nothing incriminating appears against this petitioner. It is also pointed out that one of the reason for suspicion is criminal antecedents of petitioner, as he found involved in five more criminal cases, where he is on bail in four cases. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is not named by informant to cause fatal firearm injuries being informant and eye witness of present occurrence coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.01.2023, accordingly, above named petitioner is directed to be released



on bail in connection with Gopalpur (Rangra) P.S. Case No. 625 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Maigstrate-III, Naugachia, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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