

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40323 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Dilip Mandal S/O Late Suresh Mandal Resident of village- Laxman Tola,
P.S.- Pirpanti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddhartha Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 307
and 302 of the Indian Penal Code.

According to prosecution case, co-accused person,
namely, Kailash Mandal fired upon the informant and his
brother due to which his brother sustained injury and he
succumbed to death. It is also alleged that another accused
person, namely, Bhola Mandal also fired on them.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the F.I.R. is in two parts; according to part one, there is specific allegation of firing against the co-accused persons, namely, Bhola Mandal and Kailash Mandal and in part second, there is general and omnibus allegation of assault and over act against the petitioner and another co-accused persons. He further submits that the co-accused person, namely, Bhola Mandal who fired upon the informant has been granted bail by a co-ordinate Bench of this Court vide order dated 03.11.2022 passed in Cr. Misc. No. 39341 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, 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 the learned Court below where the case is pending in connection with Pirpainti P.S. Case No. 147 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

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