

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42045 of 2022

Arising Out of PS. Case No.-10 Year-2020 Thana- BASANHI District- Saharsa

1. RAJ KUMAR MANDAL Son of Late Laljee mandal Resident of village- Laliya, Ward No. 04, P.S.- Gwalpara, District- Madhepura.
2. Umakant Mandal Son of Raj Kumar Mandal Resident of village- Laliya, Ward No. 04, P.S.- Gwalpara, District- Madhepura.
3. Manilal Mandal Son of Raj Kumar Mandal Resident of village- Laliya, Ward No. 04, P.S.- Gwalpara, District- Madhepura.
4. Subhash Mandal Son of Raj Kumar Mandal Resident of village- Laliya, Ward No. 04, P.S.- Gwalpara, District- Madhepura.
5. Rupesh Mandal Son of Suman Mandal Resident of village- Laliya, Ward No. 04, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 24-03-2023 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioners, which forms part of this application.

The petitioners seek bail in a case registered for the offence under Sections 147, 148, 149, 341, 302, 307 of the Indian Penal Code and Section 27 of the Arms Act.



The petitioners along with other F.I.R. named accused variously armed with deadly weapon intercepted the informant and his uncle and brother and while they were trying to flee away from their surrounding, co-accused, Sumat Mandal fired upon the uncle of the informant resultantly he sustained fire arm injury and died on the spot. It is also alleged that co-accused, Bhupesh Mandal fired upon the brother of the informant who also died during course of treatment after receiving the gun shot injury.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that according to the F.I.R., the direct allegation of firing is attributed to the co-accused, namely, Sumat Mandal and Bhupesh Mandal who allegedly fired upon the uncle and brother of the informant as a result of which uncle of the informant died on the spot and brother of the informant has succumbed to the injuries during course of treatment. He further submits that no specific allegation of assault or firing is attributed to the petitioners and at best they could be said to be one of the members of mob. Moreover, the co-accused, namely, Ghanshyam Mandan and Suresh Mandal have



already been granted bail by a co-ordinate Bench of this Court vide order dated 22.12.2020 and 19.03.2021 passed in Cr. Misc. No. 34965 of 2020 and Cr. Misc No. 38000 of 2020 respectively. He further submits that no cogent material has surfaced against the petitioners during course of investigation. The petitioner is rotting in judicial custody since 04.03.2021.

Learned counsel for the informant as well as A.P.P. for the State opposed the prayer for bail of the petitioners and submits that petitioner Nos. 1, 2, 3 and 4 carry two more cases other than the present one whereas the petitioner No. 5 carries four more cases excluding the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Basnahi P.S. Case No. 10 of 2020 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their 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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