

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2627 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- CHANAN District- Lakhisarai

Lallan Mandal @ Lallan Mahto @ Manoj Kumar Son Of Debaki Mahto @
Debaki Ray R/O Village- Bhandar, P.S.- Chanan, District- Lakhisarai

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Kamal Nayan
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 06-04-2023 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 23.6.2022 passed by learned Additional District & Sessions Judge-1st cum-Special Judge, Lakhisarai in B.P. No. 1281 of 2022 whereby the prayer for bail of the appellant in connection with Chanan P.S. Case no. 19 of 2022 under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and section 3(2)(v) of SC/ST (Prevention of Atrocities Act) Act was rejected.

As per allegation in the FIR, while the informant



with his father was going to Brahmni Asthan, several accused persons including the appellant surrounded them and petitioner threatened them to withdraw the earlier case by taking caste name, on protest made by the informant, petitioner assaulted on the forehead by butt of pistol and accused Deepak Mandal and petitioner opened fire as a result of which informant's father received gun shot injury and fell down unconsciously.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has no intention to disgrace the image of the informant in public view. During investigating it has come to light that number of cases are pending between the parties. Appellant is languishing in judicial custody since 30.3.2022.

The application for bail is opposed by learned Spl. P.P. for the State and submitted there is direct allegation of shot dead against the appellant and during investigation, several witnesses have supported the prosecution story. As per postmortem report, two entry wounds were found on the body of the deceased which corroborates the prosecution



story. Doctor opined cause of death due to cardio-respiratory failure due to haemorrhage shock caused by firearm.

Having heard learned counsel for the parties and taking into consideration the fact that there is specific allegation against the appellant of opening fire upon the informant's father, as a result of which he died, I do not find it appropriate to grant regular bail to the appellant and, as such, his prayer for regular bail is rejected.

The application stands disposed off.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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