

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44850 of 2022

Arising Out of PS. Case No.-379 Year-2020 Thana- ALOULI District- Khagaria

CHHOTU MANDAL SON OF LATE BINO MANDAL R/O VILLAGE-
RAMPUR ALAULI, POLICE STATION-ALAULI, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Alauli P.S. Case No. 379 of 2020
registered for the offence punishable under
Sections 302, 307, 342/34 of the Indian Penal
Code.

The case of the prosecution, in brief, is
that on 07.12.2020 at about 7:30 A.M. while the
informant along with his son was going to his *Basa*
and had reached approximately 200 metres behind
Gadh Ghat, six accused persons including the
petitioner herein had surrounded them and



thereafter the accused person namely, Anjani Mandal has fired gun shots on the temple of the son of the informant resulting in his death and then the accused persons had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 07.03.2022. It is further submitted that as far as the petitioner is concerned, there is no allegation of him having fired gun shots or having assaulted the deceased, hence he is having no complicity in the matter. It is also submitted that exactly similarly situated co-accused person, namely, Rishu Kumar has already been granted the privilege of bail by a Co-ordinate Bench of this Court vide order dated 29.08.2022 passed in Criminal Miscellaneous No. 25060 of 2022.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner has not been alleged to have fired gun shots on the deceased, apart from the fact that he has also not been alleged to have engaged in any sort of overt act, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 379 of 2020.

(Mohit Kumar Shah, J)

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