

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51966 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- KATRA District- Muzaffarpur

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AVINASH MANDAL @ CHHOTU MANDAL S/o - Bahadur Mandal
Resident of village - Yajuar Madhya, P.S.- Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 14-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Katra P.S. Case No. 329 of 2021 registered for the offences punishable under Sections 341, 307, 188, 414 and 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

As per the prosecution, the police personnel acting upon a secret information raided the alleged place to apprehend an absconder namely Sawan Thakur. Further, it is alleged that this petitioner along with other co-accused person was



apprehended, who had opened fire at the police personnel and upon making search from the possession of co-accused Sawan Thakur a semi-automatic loaded pistol with two live cartridges and a motorcycle without documents were recovered.

The main submissions advanced by the learned counsel Mr. Alok Kumar Alok for the petitioner are that there are two types of allegations in the present matter, one relates to firing upon the police personnel by the accused persons but in the said allegation, the petitioner was not alleged to have fired at the police personnel and the said allegation is against co-accused Sawan Thakur and the second allegation relates to the recovery of the fire-arms but the said recovery was not made from the possession of the petitioner rather the same was made from the co-accused Sawan Thakur. Further submission is that there is criminal antecedent of two cases against the petitioner in which he has got bail in one case and in the present matter he has been languishing in jail since 07th December, 2021 but his trial has not started till now.

Learned APP Dr. Ajeet Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. Considering the above submissions as well as the petitioner's



custody period and the nature of allegation appearing against the petitioner, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner 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 concerned Court in connection with Katra P.S. Case No. 329 of 2021.

(Shailendra Singh, J)

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