

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57272 of 2022**

Arising Out of PS. Case No.-84 Year-2021 Thana- DHARHARA District- Munger

CHANDAR MANDAL Son of Saryug Mandal Resident of village - Itwa,  
P.S.- Dharhara, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.  
For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      03-02-2023                      Heard the learned counsel for the  
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Sessions Case No.181 of 2021 arising out of Dharhara P.S. Case No.84 of 2021, registered for the offences punishable under Sections 342, 302, 201, 386/34 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that on 25.04.2021, at about 6.30 pm, while the informant along with her husband was going to her house, on the way, the petitioner herein and other co-accused persons



had surrounded them, whereafter the petitioner, who was in a drunken condition, had pointed pistol on the husband of the informant and had threatened the informant to flee away from the place of occurrence or else he would shoot and, in the meantime, the co-accused person, namely, Jhantu Mandal, armed with iron rod had chased the informant leading to her fleeing away, however, when she had looked back, she found that the accused persons were assaulting her husband. It is also alleged that subsequently, when she came to the said place of occurrence along with her family members, she did not find her husband, however, on the next day, the dead body of her husband was found.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 27.04.2021. The learned counsel for the petitioner has further submitted that the petitioner is alleged to have been carrying a pistol, whereas, the co-accused



person, namely, Jhantu Mandal was carrying an iron rod, however, the postmortem report which is annexed as Annexure-2 to the present petition, would show that no firearm injury has been found upon the person of the deceased and the cause of death mentioned in the said postmortem report is on account of Intra Cranial Shock and Haemorrhage on account of injuries caused by hard and blunt substance, thus, it is submitted that either the other co-accused persons or the said Jhantu Mandal, who was carrying an iron rod might have assaulted the deceased resulting in his death, however, since there is no firearm injury on the person of the deceased, the petitioner cannot be held responsible for the death of the deceased. It is also submitted that the charge-sheet has already been filed and there is no eye witness to the alleged incident. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 27.04.2022 passed in Cr.Misc. No.70147 of 2021.



Per contra, the learned APP 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 though the petitioner has been alleged to have been carrying a pistol, no firearm injury has been found on the person of the deceased, apart from the fact that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge, Munger in connection with Sessions Case No.181 of 2021 arising out of



Dharhara P.S. Case No.84 of 2021.

(Mohit Kumar Shah, J)

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