

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55833 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- KHARIK District- Bhagalpur

Pago Mandal @ Pagla Mandal S/O Lucho Mandal R/O Village- Faridpur, P.S-
Kharik, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Kharik P.S. Case No.117 of 2023 for the offences punishable under Sections 341, 147, 148, 149, 323, 307, 364 of the Indian Penal Code and Section 27 of the Arms Act lodged on 23.05.2023 by the informant, Kailash Choudhary.

3. As per the prosecution story, the accused persons came suddenly and opened fire causing injury on his right thigh. As the locals were in fear due to gun shot, the accused persons tried to take him towards Ganga to throw him but only due to timely arrival of the police they left him and escaped. He was brought to Kharik Hospital and then referred to Mayaganj



Hospital. Accordingly, the FIR.

4. It is the case of the petitioner that omnibus allegation has been made against the accused persons of opening fire causing injury to the injured but the same has been found to be grievous in nature. He, however, reiterates that there is no specific allegation against this petitioner, he has no criminal antecedent and is in custody since 24.05.2023. The last contention is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.10,000/- (Ten thousand) to the informant to be paid through the demand draft in favour of the informant and submit before the concerned Court.

5. Learned APP opposes the prayer stating that not only the accused persons opened fire but they were trying to take the injured towards the river.

6. Though the allegation is grave, the same is omnibus in nature, the petitioner do not have criminal antecedent, he remained in custody since 24.05.2023, this Court is inclined to extend him the privilege of bail **subject to payment of Rs.10,000/- through demand draft in favour of the informant with conditions.**

7. Let the petitioner, above named, be released on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Naugachia, Bhagalpur, in connection with Kharik P.S. Case No. 117 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



8. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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