

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60099 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- PIRPAINTI District- Bhagalpur

SARITA DEVI WIFE OF MAHESH MANDAL, D/O SUKHDEO MANDAL
R/O VILLAGE- LAXMAN TOLA, P.S.- PIRPAINTY, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s	:	Mr.Dinesh Singh, APP
For the informant	:	Mr. Ravi S. Pankaj, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Pirpainty PS case no. 147 of 2021 instituted for the offences punishable under Sections 302 and other allied sections of the Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution in brief, according to the informant, is that on 05.07.2021 at about 6 0' clock in the evening, he was returning from his field along with his brother Shankar Mandal and when they had reached near the house of Sukhdeo Mandal, the accused persons who were already present at the said place of occurrence, had



surrounded the informant and his brother, whereupon, co-accused person namely Kailash Mandal had fired from his gun resulting in the younger brother of the informant being inflicted with gun shot injury on his chest. It is also alleged that thereafter, the co-accused person namely Bhola Mandal had also fired on the informant resulting in him sustaining injuries on his left leg. Lastly, it is alleged that the brother of the informant has died on account of the gun shot injury sustained by him.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 26.05.2022. The learned counsel for the petitioner has further submitted that there is no specific allegation *qua* the petitioner herein of having fired any gun shot upon the deceased or the informant, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State and the learned counsel for the informant have 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 parties and taking into account the materials available on record as also considering the fact that there is no allegation *qua* the petitioner herein of him having fired any gun shot upon the deceased or on the informant and a general and omnibus allegation has been levelled apart from the fact that the petitioner is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Bhagalpur in connection with Pirpainty PS case no. 147 of 2021.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

