

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64881 of 2023

Arising Out of PS. Case No.-196 Year-2022 Thana- BIHPUR District- Bhagalpur

1. Gurudeo Mandal Son Of Late Rajendra Mandal Village Vishanpur Ps- Bihpur District Bhagalpur
2. Arun Mandal Son Of Late Rajendra Mandal Village Vishanpur Ps- Bihpur District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Ranjan Kumar Jha, learned counsel appearing on behalf of the petitioners and Mr. Gauri Shankar Gupta, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Bihpur P.S. Case No. 196 of 2022, registered for the offences punishable under Sections 341, 323, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant was going to attend the nature call, in the meantime, all the FIR named accused persons, including the petitioners, surrounded him and co-accused Krishna Mandal fired upon him due to which he sustained bullet injury over the right side of his neck.



4. It is submitted on behalf of the petitioners that though the occurrence is said to have taken place on 02.04.2022 but surprisingly the FIR was instituted on 19.04.2022, after a delay of 17 days and no reason for such delay has been assigned. He further submits that even as per the narrations made in the FIR, specific allegation of firing has been levelled against co-accused Krishna Mandal who has already been apprehended and sent to judicial custody but later on allowed regular bail by the learned coordinate Bench of this Court. During course of investigation, the police has not found any material against these petitioners and thus submitted final form showing them innocent, however, differing with the final form, the learned jurisdictional court has taken cognizance for the offence as alleged in the FIR against these petitioners, hence the necessity of the present petition. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the police



after investigation has not found any cogent material against the petitioners resulting into submission of final form showing them innocent, coupled with the fair antecedent and delay in lodging of the FIR, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Naugachia, Bhagalpur in connection with Bihpur P.S. Case No. 196 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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