

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71307 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- PURNEA SADAR District- Purnia

1. Abhinandan Mahaldar Son of Birendra Mahaldar R/V- Gadhiya Balua Ward No. 3, P.S.- K. Nagar, District- Purnea
2. Dinesh Mahaldar Son of Late Kamleshwari Prasad Mahaldar R/V- Hanuman Nagar P.S.- Banmankhi District- Purnea At Present Residing At Simalgachi, P.S.- Muffasil, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Sadar P.S.
Case No. 28 of 2021 registered for the offence under Sections
341, 323, 307/34 IPC and 25 (1-B)a and 27 Arms Act..

The accused/petitioners are not named in the F.I.R.
and are in custody since 19.05.2022.

The allegation against the petitioners is to open fire
upon son of informant alongwith other co-accused persons
causing fire arm injuries.



Learned counsel appearing on behalf of the petitioners submitted that the petitioners were not named in F.I.R., where their name surfaced during the course of investigation merely on the basis of suspicion as petitioners found involved in two more criminal cases, where they are on bail. It is further submitted that in furtherance of said suspicion, no incriminating material recovered/surfaced during the course of investigation, which may connect petitioners, *prima facie*, with present occurrence, as alleged through F.I.R. It is also submitted that petitioners were not put on TIP, as yet. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that petitioners are not named in F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced to connect petitioners, *prima facie*, with present occurrence, coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Sadar P.S. Case No. 28 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Purnea/concerned court,
subject to the conditions as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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