

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69406 of 2022

Arising Out of PS. Case No.-303 Year-2021 Thana- BIHPUR District- Bhagalpur

PRASADI MANDAL SON OF CHUGALI MANDAL @ SUKHDEV
MANDAL R/O VILLAGE- KUDRA, BHITTA, ATHGAMA, P.S.- BIRPUR,
DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-03-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Bihpur P.S. Case No.303 of 2021 registered for the offences punishable under Sections 384, 387, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant alleged that this petitioner along with his accomplices by brandishing weapon demanded Rs.5 lacs as extortion from the informant and also



dragged the informant towards Panchayat Bhawan. Further it is alleged that this petitioner and his son indulged in smuggling of fire-arms.

The main submissions advanced by the learned counsel for the petitioner are that the petitioner has been languishing in jail since 29.04.2022 and two similarly situated co-accused persons namely Makiya Mandal and Mantu Mandal have been granted Regular Bail by different Benches of this Court vide orders passed in Cr. Misc. Nos.67139 of 2022 and 37182 of 2022 respectively and the alleged offence of Section 307 of IPC is not made out against the petitioner as there is no allegation against him that he made an attempt of firing on the prosecution party, in the alleged occurrence no one sustained injury, in fact the petitioner and others objected against the act of Makiya who was using inferior quality of material in connection with construction of Panchayat Sarkar Bhawan and thereafter with malice intention the present case was falsely prepared and there is allegation of only extortion demand against the accused persons.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly



considering the privilege of Regular Bail having been granted to two co-accused persons mentioned above and also taking into account the petitioner’s custody period as well as the nature of allegation appearing against him, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bihpur P.S. Case No.303 of 2021.

(Shailendra Singh, J)

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