

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68809 of 2022

Arising Out of PS. Case No.-363 Year-2022 Thana- GOPALPUR District- Bhagalpur

BABULAL MANDAL S/o Late Biro Mandal R/o Village- Tintanga Karari,
P.S.- Gopalpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 31-07-2023 1. Heard learned counsel for the petitioner,

learned counsel for the Informant and learned APP for the State.
2. Petitioner seeks regular bail in connection
with Gopalpur P.S. Case No.363 of 2022 dated 22.07.2022
registered for the offence/s punishable under Section/s 341 and
307 read with Section 34 of the Indian Penal Code and Section
27 of the Arms Act.
3. As per the prosecution, the informant alleged
that this petitioner opened fire at him causing fire-arm injury at
his right hand's elbow and right leg's thigh.
4. The main submissions advanced by the
learned counsel for the petitioner are that the petitioner has been
languishing in jail since 29.08.2022 and informant sustained
injuries on non-vital part of his body and against the petitioner



the investigation has been completed. Further submissions are that the petitioner and informant are own brothers and the FIR goes to show that the alleged occurrence was not pre-planned and the same took place on account of grazing of she-goat and buffalo.

5. Learned counsel appearing for the Informant has vehemently opposed the bail prayer of the petitioner and submitted that against the petitioner there is serious allegation and he has criminal antecedent of two cases.

6. Learned APP appearing for the State also opposes the bail prayer.

7. Heard both the sides and perused the FIR and the injury report of the informant filed as Annexure-2. Though the alleged occurrence took place in the spur of moment on account of a dispute arose due to grazing of she-goat and buffalo at the place of occurrence but as per allegation the petitioner fired repeatedly at the informant and caused two fire-arm injuries which have been opined to be grievous in nature as per informant's injury report and the petitioner has criminal background as well. Considering these facts, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.



8. Petitioner may renew his bail prayer after the framing of charge, if the same has not been framed.

(Shailendra Singh, J)

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