

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73088 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- BIHPUR District- Bhagalpur

Niro Mandal @ Patel S/O Raj Kumar Mandal Resident of village- Shahpur,
P.S.- Bihpur, (Bhawanipur), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in brief, is that the father of the informant was shot dead by firearm at mid night by some unknown miscreants while he was sleeping. The F.I.R. is against unknown.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has falsely been implicated in this case due to previous enmity and dirty village politics. During the course of investigation, the name of the petitioner has been transpired on the basis of confessional statement of co-accused



Etwari Mandal which has no evidentiary value in the eye of law. There is no eye witness of the alleged occurrence. The petitioner has got no criminal antecedent as stated in para 3 of the petition. It is further submitted that the other co-accused has already been granted bail by other co-ordinate Bench of this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 64449 of 2021. Moreover, the petitioner is languishing in judicial custody since 08.07.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bihpur (Bhawanipur) P.S. Case No. 18 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Naugachia, Bhagalpur.

(Sunil Kumar Panwar, J)

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