

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5075 of 2023

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

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KRISHNA MANDAL @ KISHAN KUMAR Son of Late Rajendra Mandal
R/V- Bishanpur, P.S- Bihpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Bihpur P.S. Case No. 196 of 2022 dated 19.04.2022

registered for the offence under Sections 341, 323, 307/34

of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is alleged to have fired upon the

informant which hit him in his neck causing injury.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. He

further submits that there is land dispute between the

parties and on account thereof petitioner has been made



accused in this case. He further submits that it appears from the F.I.R., the occurrence took place on 02.04.2022 and the F.I.R. has been registered on 19.04.2022 after lapse of 18 days without explaining the delay. He further submits that the injury report of the injured suggest that the bullet was found in the neck of the victim. He further submits that the informant sustained only one injury and there is no allegation of repetition of firearm and therefore, the petitioner has no intention to kill the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the, above named, 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 learned A.C.J.M.-1st, Naugachia, Bhagalpur in connection with Bihpur P.S. Case No. 196 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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