

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78928 of 2023**

Arising Out of PS. Case No.-163 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

Vikash Kumar Mandal @ Vinayak Shivpriya Son Of Bisheshwar Mandal
Resident Of Village - Abhaypur Kaswa, P.S. - Piri Bazar, District - Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 08-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 307, 333, 353 of the Indian Penal Code, Sections 25(1-A), 26 and 27 of Arms Act, Sections 3, 4 and 5 of Explosive Substance Act and Sections 16, 18, 20 and 23 of UAP Act.

3. As per prosecution case, it is stated by the informant that on reaching near the place of occurrence, the naxalites seeing the police personnel resorted to indiscriminate firing. As a result of firing and counter firing by the police party, one of the hardcore naxalites died on the



spot and arms and ammunition were recovered near his body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. Nothing incriminating article has been recovered from his conscious possession. No eye witness of the alleged occurrence and also general and omnibus allegation has been levelled against all the accused persons including this petitioner. No any consistent material has found against him. Similarly situated other co-accused persons have already been granted bail by another co-ordinate Benches of this Court vide Annexure-2 series of this petition. Moreover, he is languishing in judicial custody since 22.05.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as 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 Piri Bazar P.S. Case No. 163 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 Additional Chief Judicial Magistrate
IInd, Lakhisarai.

(Sunil Kumar Panwar, J)

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