

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81125 of 2023**

Arising Out of PS. Case No.-1181 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Dilip Kumar @ Dilip Mandal Son Of Late Dhanusdhari Mandal R/O Village-
Mamalkha, P.S.- Sabour, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Kotwali (Barari) P.S.
case No. 1181 of 2022 instituted for the offences under Sections
147, 148, 149, 341, 323, 325, 379, 307, 329, 504, 506, 120(B)
of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that the accused
persons including the petitioner were constructing boundary
wall after encroaching the land of the informant which was
demolished by the informant and as a result of which accused
persons threatened and came to the spot. Two co-accused
having gun in their hand fired at the informant. Thereafter, the
petitioner and one co-accused having gun in their hand fired



which hit the head and mouth of the injured respectively. The family members came in rescue were also assaulted by the accused persons.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.08.2023 and has no criminal antecedent. Charge-sheet has been submitted in this case. The petitioner has falsely been implicated in the present case. The allegation against the petitioner is firing on the head of the injured but from the perusal of the injury report, it appears that there is no injury on the head. Thus, the injury report does not corroborate with the allegation made in the F.I.R.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the nature of allegation and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwali (Barari) P.S. case No. 1181 of 2022 subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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