

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14109 of 2024

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

Babulal Mandal Son Of Late Biro Mandal Resident Of Village- Tintanga
Karari, P.S.- Gopalpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Yadav, Advocate
For the informant	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-03-2024 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 S.T. No. 905 of 2023, arising out of Gopalpur P.S. Case No. 363 of 2022, dated 22.07.2022, registered for the offence(s) punishable under Section(s) 341, 307 read with section 34 of the Indian Penal Code and Section 27 of Arms Act.
3. The main submissions advanced by Mr. Ashok Kumar Yadav, learned counsel for the petitioner, are that this is second attempt of the petitioner for the relief of regular bail after the petitioner's earlier attempt for the same relief was rejected by this court vide order dated 31.07.2023 passed in Cr. Misc. No. 68809 of 2022 preferred by this petitioner with giving



a liberty to renew his bail prayer after framing of charge in the said rejection order. It is further submitted that the trial of the petitioner has started and upon him, the charges have been framed on 06.01.2024 and thereafter, three prosecution witnesses have been examined who went hostile and petitioner has been languishing in jail since 29.08.2022. Further submission is that though the main allegation is against the petitioner but in the firing allegedly committed by this petitioner to the informant, who happens to be brother of this petitioner, did not sustain any injury on vital part of his body.

4. Mr. Rajesh Kumar, learned counsel 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.

5. Heard both the sides. Though, there is serious allegation against this petitioner and his earlier prayer for bail was rejected by this bench, however, considering his custody period which has been about 1 year and 5 months and his trial has started and as per above submission, three prosecution witnesses have been examined, in my opinion, in the said circumstances, the petitioner now deserves to a lenient approach of this court. Accordingly, let the petitioner named-above 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 the concerned Court in connection with S.T. No. 905 of 2023, arising out of Gopalpur P.S. Case No. 363 of 2022 with following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.
- (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.
- (3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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