

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31857 of 2024

Arising Out of PS. Case No.-224 Year-2019 Thana- BHARGAMA District- Araria

Md. Mangan @ Md. Magan @ Ma. Magan son of Late Mazloom
Village- Bishariya Akarthapa PS- Bhargama Distt- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-07-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Navin Kumar Pandey, learned A.P.P. for

the State.

2. Petitioner seeks bail in connection with

Bhargama P.S. Case No. 224 of 2019 registered for the

offences under Sections 147, 148, 149, 341, 342, 323,

324, 354-B, 307, 447, 448, 504 of the Indian Penal Code

and later on Section 302 of the I.P.C. was added.

3. The petitioner is named in the First Information

Report and is in custody since 20.01.2024.

4. As per case of the prosecution, the informant

namely, Md. Sajid has named 24 persons and alleged that all



24 persons and other 500 unknown persons equipped with different weapons were chasing the villagers of Dharapatti and on the order of Md. Yasin, Md. Mangan (petitioner) shot arrow which hit on the armpit of father of the informant. Md. Abid also shot arrow, which hit on the leg of Masudan. It is alleged that accused persons entered into the house of the informant and looted different articles after assaulting them.

5. It is submitted by learned counsel appearing on behalf of the petitioner that for the same set of occurrence two P.S. Cases were lodged, which were registered as Bhargama P.S. Case No. 222/2019 and Bhargama P.S. Case No. 223/2019 beside the present case, which is Bhargama P.S. Case No. 224/2019. It is submitted that in both the F.I.Rs. there is no specific allegation against petitioner as to cause fatal assault to the father of the informant in terms of eye witness of the occurrence. It is submitted that informant of Bhargama P.S. Case No. 222/2019 is the S.H.O. of Bhargama, and as per his version, he was present during the course of occurrence, but he never raised specific allegation against this petitioner to shot father of informant, which



proved fatal. It is submitted that it was more than 1500 arrows, which were shot by different persons and out of that it is very difficult to ascertain that father of informant died out of arrow shot caused by the petitioner.

6. In this context, it is further pointed out by learned counsel that in the present case too, one of the eye witnesses of the occurrence namely, Ayub Khan, whose statement was recorded in para 06 of the case diary, nowhere specifically alleged that it was petitioner who caused fatal shot of arrow to the father of the informant.

7. While concluding argument, it is submitted that investigation of this case is completed and now there is no chance of tampering with the evidence.

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

9. In view of aforesaid factual submission and by taking note of the fact that different cases, as aforesaid, have been lodged for same occurrence, where petitioner was not specifically named as to caused fatal arrow shot to the father of the informant, where the other eye witness of the



present case/occurrence, as discussed above, also negate specific allegation *qua* petitioner, coupled with the fact that petitioner is in custody since 20.01.2024, where investigation is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of Sri Aashish anand, Judicial Magistrate - 1st Class, Araria/concerned court, in connection with Bhargama P.S. Case No. 224 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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