

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30916 of 2024**

Arising Out of PS. Case No.-254 Year-2020 Thana- AMARPUR District- Banka

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Wakil Mandal @ Wakil Singh SON OF PRALHAD SINGH Resident of
Village-VADE, P.S.- JAGDISHPUR, District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Amarpur P.S. Case No. 254 of 2020 (G.R. No. - 1382/2020) for the offence punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act lodged on 20.5.2020 by the informant, Munni Devi.

3. The FIR has been lodged by the lady, widow, whose husband was shot at. He was treated thereafter to Mayaganj Hospital, Bhagalpur and from there to a private hospital for better treatment. However, he succumbed to the injuries four months later on 13.2.2020. The informant finally chose to lodge this FIR on 20.5.2020 attributing the killing to the accused persons including the petitioner herein.



4. Learned counsel for the petitioner submits that a person was shot at and was in hospital and as such the natural consequences should have been lodging of the FIR by the informant and/or family member. His further submission is that even after his death on 13.2.2020, there was an opportunity to lodge the FIR. However, three months later on 20.5.2020, the FIR is lodged and he has been named as one of the co-accused. He as such submits that considering the said inordinate delay as also the fact that he is in custody since 22.11.2023 (as stated in para-8 of the bail application), he deserves bail. He lastly submits that some co-accuseds namely Nandan Singh and Mahesh Singh have since been released on bail vide Cr. Misc. No. 28414 of 2021 on 30.11.2021 by a co-ordinate Bench of this Court and vide Cr. Misc. No. 28150 of 2022 by this Court.

5. Learned APP opposes the prayer submitting that he has delayed in coming to the judicial custody inasmuch as the matter is of the year 2020 and he finally walked into custody only in the year 2023.

6. Though, the petitioner has delayed coming into judicial custody which followed this bail petition, taking into account all the aforesaid facts as also he is in custody since 22.11.2023, this Court is inclined to extend him the privilege of



bail only after framing of the charge with conditions.

7. Let the petitioner be released on bail only after framing of the charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 254 of 2020 (G.R. No. - 1382/2020) subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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