

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47174 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- PARBATTa District- Bhagalpur

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1. VIKASH MANDAL S/O LATE LALIT MANDAL R/O VILLAGE- BASI ALALPUR, P.S- PARBATTa, DISTT.- BHAGALPUR.
 2. VIPIN MANDAL @ BIPIN MANDAL S/O LATE LALIT MANDAL R/O VILLAGE- BASI ALALPUR, P.S- PARBATTa, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Yadav
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek regular bail, who are in custody in connection with Parbatta P.S. Case No. 61 of 2024, registered for the offence punishable under Sections 307/34 of the Indian Penal Code and section 27 of the Arms Act.

3. While the informant was celebrating holi with his family members, he heard sound of gunshot whereupon the informant came out of his house and saw that the petitioners along with others were standing in front of the door of the informant and resorting fire. On protest being made all the F.I.R. named accused persons started fighting with them in the



meanwhile, co-accused Jitendra Mandal fired from his country made pistol resulting into the injury to the informant and his brother.

4. Learned Advocate for the petitioners referreing to the F.I.R. contended that the narratives of the F.I.R. reveal that the specific allegation of firing has been levelled against co-accused Jitendra Mandal so far the petitioners are concerned there is no allegation either of carrying arms or have actively participated in the crime. The allegation even if taken to be true true for the sake of argument the petitioners are said to be members of the mob and there had never been any intention to kill any of the person and as such even with the help of section 34 of the I.P.C. the liability against the petitioners cannot be fastened. It is also the contention of the learned Advocate for the petitioners that the petitioners are lying in custody since 26.03.2024 and 27.03.2024 respectively; investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of



accusation only against the co-accused Jitendra Mandal on whose firing the informant and his brother sustained firearm injuries, coupled with the fair antecedent and the investigation of the crime is complete, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., IIIrd, Naugachia, District- Bhagalpur/ successor court in connection with Parbatta P.S. Case No. 61 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found



that the petitioners have concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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