

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54005 of 2024

Arising Out of PS. Case No.-147 Year-2022 Thana- GWALPARA District- Madhepura

Dhruv Kumar Mandal @ Dhruv Mandal @ Uday Kumar, Son of Rajendra Mandal @ Rajendra Sharma, Resident of Village-Sinduwari, P.S.- Gwalpara, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

Ms. Laxmi Kumari, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Gwalpara P.S. Case No.147 of 2022 registered for the offences punishable under Sections 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 27.09.2023.

4. Allegation against the petitioner is to commit the murder of son of the informant along with other co-accused person by causing firearm injuries, where allegation of firing is not available against this petitioner. The



occurrence is alleged to be arising out of land dispute between the parties.

5. It is submitted by learned counsel that the allegation of causing fatal firearm injury is available against co-accused Biren Yadav, whereas the allegation *qua* physical assault is appearing very much general and omnibus against this petitioner. It is submitted that similarly situated co-accused, namely, Surendra Yadav @ Suren Yadav has already granted bail by one of the learned co-ordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No.24888 of 2023. While concluding argument, it is submitted that petitioner found involved in 21 more criminal cases, where he is on bail in 18 cases and in maximum of criminal cases, his name transpired on the basis of confessional statement of co-accused persons having no evidentiary value under the law. It is submitted that criminal antecedents and heinous nature of offence could not be a ground for non-consideration of the prayer of bail and in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through



Prabhakar Tiwari vs. State of Uttar Pradesh and Anrs.

[(2020) 11 SCC 648]. While concluding argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer for grant of bail to the petitioner submitted that criminal antecedents of petitioner be taken into consideration.

7. Considering the aforesaid facts, as allegation *qua* physical assault against the petitioner is appearing very much general and omnibus, where specific allegation *qua* causing fatal firearm injuries is available against co-accused Biren Yadav, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 27.09.2023, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Madhepura in connection with Gwalpara P.S. Case No.147 of 2022, subject to the conditions as laid



down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS and with further condition:-

(i) That petitioner shall not involve/indulge in similar nature of criminal case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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