

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64201 of 2024

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

Jitendra Mandal, Son of Lalit Mandal, Resident of Village- Bari Alampur, P.S.-
Parbatta, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Parmanand Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-12-2024 Heard Mr. Amrendra Kumar, learned Advocate

appearing on behalf of the petitioner and Mr. Parmanand Prasad,

learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Parbatta P.S. Case No. 61 of 2024 registered for the offence punishable under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant and his family members were celebrating Holi festival, in the mean time, all the accused persons including the petitioner came at the door of the informant's house and started making indiscriminate firing. On protest being made, the petitioner who was having country made pistol in his hand, made open firing upon the informant



and his brother over his chest, hand and other body parts.

4. Learned Advocate appearing on behalf of the petitioner contended that in fact the injury report belies the entire prosecution case, in as much as, only abrasion over the left upper chest and injury over ring finger of left hand of exposed bone and tendon have been found, though the nature of injury is shown to be grievous. It is also contended that so far the other injured are concerned, they have also sustained lacerated wound over index finger and some injuries over non-vital part. It is further contended that even as per the allegation levelled in the FIR, it is alleged that all the accused persons were indulged in firing and, as such, on account of the firing of other persons, the informant and others might have received injury, but as there was enmity between the parties, the name of the petitioner has been implicated. The petitioner bears fair antecedent and now he has been incarcerated since 27.03.2024, the chargesheet has been submitted much earlier.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that there is a specific allegation of causing fire arm injury and only because of the fact that the informant and other persons were fortunate that they survived.



6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of firing, which is duly corroborated by the injury report, this Court is not acceded to the prayer of the petitioner for grant of bail, however, the petitioner shall be at liberty to renew his prayer for bail after framing of the charge.

(Harish Kumar, J)

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