

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65595 of 2023

Arising Out of PS. Case No.-171 Year-2017 Thana- GWALPARA District- Madhepura

Naveen Mandal @ Ashik Raj Son Of Nawal Kishore Mandal @ Rajiv Ranjan
Resident Of Village - Sarauni, Police Station - Bihariganj, District -
Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bishwanath Pd. Singh, Sr. Adv. Mr. Uday Chand Prasad, Adv. Mr. Manoj Kumar, Adv. Mr. Pooja Prasad, Adv.
For the State	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 27-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.T. No. 296 of 2022 arising out of Gwalpara P.S. Case No. 171
of 2017 dated 11.12.2017, lodged under Sections 341, 448, 323,
324, 307, 354(B), 302, 120(B) and 34 of the I.P.C. read with
Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against five named accused persons including the present
petitioner against whom there is an allegation that he entered in
the house of informant and tried to abduct. In attempting so,
firing took place and death of brother of the informant took
place.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the contents of the F.I.R., it becomes crystal clear that the land dispute is going on between the informant's family and the petitioner. He further submits that both are resident of the same village and they are well known to each other. He further submits that story of bullet injury is stated in the F.I.R. but the informant herself not seen that who has fired bullet. She only heard the bullet sound. He further submits that there are in total 13 criminal cases pending against the petitioner including the present one, out of which in 10 cases, he is on bail and in rest cases he is persuading for bail. He also submits that the petitioner is in custody since 20.06.2021 and in the present case, he has been remanded on 12.06.2023. He further submits that the sessions trial has already been commenced in this case and no purpose shall be served keeping the petitioner in custody.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean. There are in total 13 criminal cases pending against him.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/-

(Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- VIth, Madhepura in connection with S.T. No. 296 of 2022 arising out of Gwalpara P.S. Case No. 171 of 2027, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(vi) the petitioner is not absconding in any of the cases named above.

7. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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