

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74784 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- AMARPUR District- Banka

BIJAY MANDAL S/O Late Indradeo Mandal R/O Village- Meghwa
(bachhni), P.S- Amarpur, District- Banka, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 21-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Amarpur P.S Case No. 137 of 2021 instituted for the offences under Sections 302, 307, 341, 323, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that the wife of the petitioner namely, Sushila Devi is the ward member of the Panchayat in which 'bhabho' of the informant namely Khushbu Devi, is Secretary. The petitioner called the informant and his brothers Dablu Mandal and Pawan Mandal at his house and all the FIR named accused persons started to abuse and assault the brother of the informant with fists and slaps. On the order of



Vishnudev and Munni, Sanjay fired from country made pistol which hit the Dablu Mandal on the left side of his chest and he fell down.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.11.2021. He has been implicated in this case due to dirty village politics. The petitioner is not alleged to be one who was firing or even carrying the firearm. The petitioner has clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the nature of allegation against the petitioner, the petitioner having clean antecedent as well as the period of custody, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail **after framing of charge, if not already framed** on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur P.S Case no. 137 of 2021 subject to the following conditions :

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

8. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that if the charge-sheet has not been submitted then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial Court till conclusion of the proceeding of framing of charge.

(Rudra Prakash Mishra, J)

Prakash/-

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