

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71726 of 2023

Arising Out of PS. Case No.-72 Year-2021 Thana- MANPUR District- Nalanda

Rudal Tanti S/O Late Arjun Tanti R/O Village- Bilaspur, P.S.- Manpur,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

7 19-06-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Manpur
P.S. Case No. 72 of 2021 instituted for the offences under
Section 307 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per prosecution case, the allegation against the
petitioner is of firing in a marriage procession which hit the
Informant's son and father. It is alleged that the bullet pierced
the body of the son of the Informant and got stuck in the body of
the father of the Informant who died in course of his treatment.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. He submits that the date of occurrence is 22.05.2021 but, the F.I.R. has been lodged on 23.05.2021 and, there is no plausible explanation for such delay. There is no eye-witness or an independent witness to the alleged occurrence. There is no specific or direct allegation of any overt act against the petitioner rather the same are general and omnibus in nature. Nothing incriminating has been recovered from the physical/conscious possession of the petitioner. The petitioner has one criminal antecedent and is languishing in judicial custody since 02.07.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the injury report shows that both the injured sustained fire-arm injury on their body but, the opinion is kept reserved as yet. In Para 2, 7, 8, 24 & 25 of the case diary, the Informant and several witnesses have also fully supported the prosecution case. The postmortem report also shows that one metal bullet has been recovered from the vertebra of spine of the deceased and thus, the petitioner does not deserve bail.

6. The postmortem report indicates that the cause of



death of the deceased could not be ascertained and the Viscera was preserved and sent to SFL, Patna and the opinion was kept reserved till the availability of the report of the FSL, Patna. From perusal of the report of the court below dated 10.05.2024, it also appears that the cognizance of offence under Section 302 & 307 of the I.P.C. and Section 27 of the Arms Act is taken against the sole accused Rudal Tanti / the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Manpur P.S. Case No. 72 of 2021, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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