

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73698 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- LODIPUR District- Bhagalpur

Birendra Mandal @ Hagga Son of Gajablal Mandal R/O Vill.- Sarmaspur,
P.S.- Lodipur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Lodipur P.S. Case No. 189 of 2023 for the offence punishable under sections 307, 504 and 506 of the Indian Penal Code and 25(1-B)a, 26 and 27 of the Arms Act lodged on 07.10.2023 by the informant, Vinod Mandal.

3. As per the prosecution story, the informant alleged that when his son was standing in front of the house, the petitioner came, abused and later, scuffle took place. Allegation is that the petitioner thereafter went to his home, came back with the country-made pistol and opened fire but anyhow, the informant's side saved themselves and the cartridge hit the wall. Further, the allegation is that the petitioner was also in an inebriated stage. The Police was informed and he was arrested.



4. Learned counsel for the petitioner submits that for the said incident, he has already suffered by being in custody since 08.10.2023 (paragraph no. 12 of the petition). Further, if granted relief, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that though no one was hit, the fact remains that he opened fire.

6. Considering the submissions of the parties as also the fact that no injury is on the informant's side, the petitioner is in custody since 08.10.2023 and has undertaken to diligently appear in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District Judge, 16th, Bhagalpur, in connection with Lodipur P.S. Case No. 189 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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