

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77851 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- KHAGARIA District- Khagaria

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Ramesh Kumar Mandal @ Ramesh Kumar S/O Niranjan Mandal R/O
Village- Mehauri, P.S- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh, Advocate
		Mr. Jolly Singh, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Pankaj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Khagaria (Muffasil) P.S. Case No.140 of 2022, lodged on
17.02.2022, under Sections 447/448/341/323/307/385/34 of the
Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution, the FIR has been lodged
against two named accused persons including the present
petitioner against whom there is allegation that he has made gun
shot by three naught three on his stomach and fled away as the
informant has failed to fulfill the demand of Rs. 5,000/- as
'Rangdari'.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that upon bare reading of the FIR it is clear that the date of occurrence is 09.01.2022 whereas the FIR has been lodged on 17.02.2022. There is no explanation for the delay in the fardbeyan. The petitioner is in custody since 21.07.2023 having no criminal antecedent. Counsel submits that charge sheet has already been filed against the petitioner. Counsel further submits that the informant has not taken his treatment from any government hospital; rather he has relying on the document of the private hospital which may not be accepted. Counsel further submits that petitioner is a law abiding citizen and ready to fulfill all the conditions whatsoever shall be imposed.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner was injured and his entire family members were involved in his treatment and, therefore, FIR has not been lodged on time. Counsel submits that there is direct allegation against the petitioner that he has caused injury in the stomach of the informant.



7. 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No.140 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure 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.

(Dr. Anshuman, J)

Mkr./-

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