

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84256 of 2023

Arising Out of PS. Case No.-82 Year-2020 Thana- ISMAILPUR District- Bhagalpur

1. Rudal Mandal S/o Singeshwar Mandal R/o village-Chhoti Parbatta, P.S-Ismailpur, District-Bhagalpur.
2. Shivam Kumar @ Shivam @ Shiv Mandal S/o Ashok Mandal R/o village-Kelabari, P.S-Ismailpur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-03-2024 Heard Mr. Ranjan Kumar Jha, the learned counsel
for the petitioners and Mr. Ashok Kumar Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Ismailpur PS Case No. 82 of 2020, FIR dated
31.10.2020, registered for the offences punishable under
Sections 147, 148, 149, 307 and 302 of the Indian Penal Code
and under Section 27 of Arms Act.

3. According to prosecution case, one Ashok Mandal
fired upon the father of the informant by means of country-made
katta four times, due to which he died on the spot. It is further
alleged that one Shivam fired upon the mother of the informant



due to which she sustained serious injury. It is lastly alleged that one Rudal Mandal assaulted on informant's head by the butt of his country-made *katta* due to which she suffered head injury.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and as per allegation in the FIR, the petitioner no. 1 has assaulted to the informant by means of butt of his country-made *katta*, but the injury report of the informant suggests that although she has received injury, but the injury is found to be simple in nature and allegation against petitioner no. 2 is that he has fired upon the mother of the informant, but the injury report of the mother of the informant does not support the allegation levelled in the FIR. He lastly submits that the co-accused person namely, Ashok Mandal, against whom the allegation is that he has fired upon the father of the informant, has been granted bail by this Court vide order dated 08.08.2023 passed in Cr. Misc. No. 10547 of 2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, injury



received by the informant is simple in nature and the injury report of the mother of the informant does not support the allegation levelled in the FIR, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Naugachia, District- Bhagalpur, where the case is pending in connection with **Ismailpur PS Case No. 82 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall



verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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