

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1123 of 2025

Arising Out of PS. Case No.-95 Year-2024 Thana- ISMAILPUR District- Bhagalpur

Debal Mandal S/O Late Chamru Mandal Resident of village- Chhoti Parbatta,
P.S- Ismailpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Ismailpur P.S. Case No. 95 of 2024, registered on 08.09.2024 for the offences under Sections 190(1), 3(5) and 61(2) of B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and other co-accused persons came to the doors of the informant and the petitioner fired upon the informant from his *katta* and the shot hit in the right rib of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There is land dispute between the informant and the petitioner and co-accused persons and the informant, at the behest



of co-accused persons, has lodged this false case. The informant gave six bigha of land to this petitioner which he has got on lease of 20 years from the other co-accused persons and subsequently some dispute arose between the informant and the petitioner. The informant destroyed the pumpkin plants grown by the petitioner on the land which was given to him by the informant. The occurrence took place in a spur of moment. Medical report shows the injury to be simple. Petitioner is in custody since 11.09.2024 and charge-sheet has been submitted. The petitioner deserves to be enlarged on bail to attend his case. Learned counsel further submits that some of the co-accused persons have been exonerated by the police which submitted the closure report in their favour and other co-accused persons have been granted anticipatory bail. Petitioner is having clean antecedent whereas the informant is having antecedent of four cases.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that he fired upon the informant and the shot hit in the rib of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of repeated firing against the petitioner and also considering the period of custody of the petitioner



coupled with his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Naugachia, Bhagalpur/concerned court in connection with Ismailpur P.S. Case No. 95 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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