

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16761 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- Pothia District- Katihar

Sudhir Mandal @ Sudhi Mandal Son of Rupan Mandal R/O Village and P.S.-
Pothia, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Sah, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2025 Heard Mr. Rajendra Prasad Sah, learned counsel for

the petitioner as well as Mr. Bhanu Pratap Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Pothia P.S. Case No. 43 of 2024, F.I.R. dated
09.06.2024 for the offences punishable under Sections 307, 504
and 506 of the Indian Penal Code and 25(1-b)a, 27 and 35 of the
Arms Act.

3. According to prosecution case that when the
informant's was returning from field four persons stopped him and
asked for money and threatened him to kill. In the night when the
informant and his son was sleeping then Vishal Kumar Yadav with
all accused persons came there and shouted and Vishal Kumar
Yadav fired with gun on the informant's son with intention to kill.

4. Learned counsel for the petitioner submits that

petitioner is innocent and he has falsely been implicated in the present case. Although, the petitioner is named in the FIR, but from the perusal of the FIR, it appears that the specific allegation of firing is levelled against the co-accused person, namely, Vishal Kumar Yadav and the petitioner is just the member of the mob and there is no specific allegation of any assault, overt act or firing attributed against this petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two cases other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts that there is no specific allegation of any assault, over act or firing against this petitioner rather there is specific allegation of firing is attributed against the co-accused person, Vishal Kumar Yadav, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, Katihar in connection with Pothia P.S. Case No. 43 of 2024, subject to the conditions as laid down under Section 438(2) of the

Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.)

Jyoti Kumari/-

U		T	
---	--	---	--