

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27375 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- SABAUR District- Bhagalpur

Pardeshi Mahaldar @ Pardeshi Nishad @ Pardeshya Mandal S/o Lakshman
Mahaldar R/o Village- Lailakh, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection with Sabour P.S. Case No. 397 of 2024 instituted for the offences under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 140(1), 352, 351(4), 61(2) of the B.N.S., 2023 and Sections 25(1-b)a (9)/26/35/37 of the Arms Act.

3. As per prosecution case, on 12-11-2024, when the informant along with the armed forces proceeded for morning patrolling then he got information that 20-25 miscreants reached with arms at Lailakh Bahiyar and started indiscriminate



firing from the dam of Shankarpur on the villagers of Shankarpur and in this course, one person has been kidnapped by the accused persons, namely, Sitaram Mandal with intention to kill him, who has also sustained injuries by the accused persons and when police party reached towards them, 15-20 persons having small and big weapons in their hands were crossing over the river on boat but, the informant surrounded them with the help of force upon which 12 persons were caught and many articles were recovered from the possession of the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The petitioner was not arrested from the place of occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner



rather the same is general and omnibus in nature. He further submits that as a matter of fact, a dispute with regard to Jalkar was going on between the parties and the petitioner has nothing to do with their affairs and as the petitioner is the co-villagers of Anirudh Nisad, he has been falsely implicated in the present case. He further submits that the injury sustained by the victim Sitaram Mandal is simple in nature caused by hard and blunt substance. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent in which he is on bail. The petitioner has been remanded in this case on 19.12.2024 and, since then, he is languishing in judicial custody.

5. Learned counsel for the petitioner again submits that the co-accused namely Asan Mandal @ Ashan Mandal has been granted bail by this Court vide order dated 24.04.2025 passed in Cr. Misc. No. 22309 of 2025.



6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sabour P.S. Case No. 397 of 2024.

(Rudra Prakash Mishra, J)

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