

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44319 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- TIKAPATTI District- Purnia

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Banti Mandal @ Banti Kumar, S/o Vedanand Mandal @ Bedanand Mandal
Resident of Village- Tikapatti, PS- Tikapatti, Distt-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 16-10-2025 Heard Mr. Bhola Prasad, learned counsel for the

petitioner and Mr. Shailendra Kumar Singh, learned APP for the

State.

2. The petitioner seeks regular bail in connection with
Sessions Trial No. 187 of 2025 arising out of Tikapatti P.S. Case
No. 06 of 2025 registered for the offence(s) punishable under
Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 352, 351(2)
of the B.N.S and Section 27 of the Arms Act.

3. As per the prosecution story, on 12.01.2025, at
about 1:00 P.M., when the informant went to fence his land, the
accused persons including the petitioner and 10-12 unknown



persons, armed with weapons, arrived there and started abusing, assaulting and opened firing. It is further alleged that petitioner fired at the informant with intention to kill him but the bullet hit the informant's brother Satish Mandal to his right leg, causing injury.

4. The main submissions advanced by petitioner's counsel are that the petitioner has been languishing in jail since 24.01.2025, the FIR in itself shows that there was a land dispute in between both the parties at the relevant time of the commission of the alleged occurrence and in the alleged firing the informant's brother did not sustain injury on any vital part of his body and his injury report does not show a firearm injury to his leg, as only a hard metal object was seen in his right leg upon X-ray examination. It is further submitted that there may be some delay in the completion of the petitioner's trial as, till date, only two non-official witnesses have been examined as per the status report sent by the trial court.

5. On the other hand, learned APP appearing for the State has vehemently opposed the bail prayer of the petitioner and submits that there is a serious allegation against this petitioner as he and co-accused Subodh Mandal fired at the prosecution party and in the firing committed by this petitioner,



the informant's brother sustained firearm injury to his leg and in this regard, there is sufficient medical evidence available in the case diary.

6. Heard both the sides and perused the FIR, case diary and injury reports of the injured person. as per the FIR, though there was a land dispute in between both the parties but a preventive proceeding started under Section 144 of the Cr.P.C. was decided against this petitioner, restraining him from going over the place of occurrence and by the same order passed under Section 144 of the Cr.P.C. the prosecution party was not restrained and the same was confirmed in their favour, thus, the petitioner not only violated that preventive order but also allegedly fired along with co-accused at the prosecution party resulting in firearm injury to the informant's brother and in this regard, there is sufficient medical evidence detailed in paragraph no.80 of the case diary, in my opinion, it is not a fit case for bail to the petitioner at this stage. Accordingly, his prayer for bail stands rejected.

7. The petitioner may renew his bail prayer after the examination of all non-official witnesses in his trial.

8. The prosecution is directed to produce all the non-official witnesses on each and every date fixed by the trial court



for recording their evidence, if in the next eight months the remaining non-official witnesses are not produced and examined then the petitioner may also renew his bail prayer.

(Shailendra Singh, J)

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