

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68328 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- KASIMBAZAR District- Munger

Anant Mandal S/o- Sanjay Mandal vill- Ghosi Ps- Kashim Bazar Dist-
Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Session Trial No. 199 of 2023 arising out of Kasim Bazar Case No. 163/2022 registered under Sections 385, 387, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 18.06.2022 by the informant, Veena Devi.

3. The prosecution case, in brief, is that the informant, Vina Devi in her fardbayan at Sadar Hospital, Munger before the Officer-in-charge of Kasim Bazar Police Station on 17.06.2022 at 21.45 hrs stated that when she was standing outside of her Kirana Shop, at that time, co-accused, Rohit Kumar, Anant Mandal and Gappu reached at her shop and asked to give a water bottle. Thereafter her son provided bottle and demanded Rs. 20 after which by the order of accused persons, namely,



Akash Kumar and Harshvardhan, Rohit, Anant and Gappu opened fired upon her son as the informant hide herself under the counter after hearing the sound of fire. Thereafter, her husband came to the shop on hearing the sound of fire but he too was also assaulted. Thereafter, they were brought to Sadar Hospital Munger from where they were refereed for better treatment. Accordingly, the FIR.

4. The allegation in the FIR is that for a petty matter, the informant's son demanded Rs. 20/- for a water bottle, Rohit Kumar and the other accused persons opened fire, the informant saved herself, while her husband came out and suffered injury.

5. Earlier prayer for bail of the petitioner was rejected vide order dated 10.04.2024 passed in Cr. Misc. No. 61747 of 2023.

6. Learned counsel for the petitioner submits that though allegation is there against the petitioner, the same is not specific, one of the similar place co-accused, Rohit Kumar has been granted relief in Cr. Misc. No. 25095 of 2024 and if granted bail, he shall be diligently appearing in trial.

7. Learned APP opposes the prayer for bail submitting that the trial is at the fag end and once the petitioner is granted bail, he may jump it. Learned counsel for the



petitioner makes categorical submission that in case the petitioner upon release fails to appear before the Trial Court and/or delays the trial, is ready to face the consequences.

8. Considering the submissions of the parties as also the fact that he has remained in custody since 15.11.2022 (paragraph 10 of the petition), as stated above, one of the similar placed co-accused has been granted relief, an undertaking has been given that he shall be diligently appearing in trial (failure to do so, the Trial Court shall take immediate steps for cancellation of his bail bonds), this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. Sessions Judge-II, Munger in connection with Session Trial No. 199 of 2023 arising out of Kasim Bazar Case No. 163/2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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