

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70624 of 2025

Arising Out of PS. Case No.-11 Year-2020 Thana- GOPALPUR District- Bhagalpur

Barun Mandal Son of Juri Mandal Resident of village- Sadhopur, P.S.-
Rangra, District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritwaj Raman, Advocate
Mrs. Shashi Priya, Advocate
Ms. Pankhuri, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-11-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Gopalpur (Rangra) P.S. Case no.11 of 2020 registered under sections 302, 341, 323, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that on the four accused persons including the petitioner herein reaching the place of occurrence, they started to abuse and assault the younger brother of the informant. It is stated that Barun Mandal shot with his country made pistol. Further Pramod Mandal asked Pintu Mandal and Sipak Kumar to catch hold of the informant's brother. On Pintu Mandal and Sipak Kumar catching hold of the informant's brother, Pramod Mandal



fired hitting him in his neck as a result of which he died.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 30.8.2024 passed in Cr. Misc. no.45216 of 2024 directing the learned trial Court to expedite the trial. On merits, it is submitted that the prosecution witnesses who have been examined in course of trial and whose deposition has been brought on record as Annexure P/4 to this petition have specifically made allegations of firing on Pramod Mandal and not the petitioner herein. The postmortem report also does not support the allegation so far as this petitioner is concerned. The petitioner has remained in custody since 4.12.2023 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 18.10.2025 of the learned District and Additional Sessions Judge III, Naugachia, Bhagalpur, charge was framed on 28.8.2024. In spite of issuance of summons, bailable warrants and non-bailable warrants against the witnesses, they are not appearing.



7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the contents of the postmortem report, the deposition of the prosecution witnesses brought on record, the submissions made by learned counsel for the petitioner, the petitioner having remained in custody for about 2 years since 4.12.2023 and specially the contents of the report of the learned Court below from which it transpires that the prosecution witnesses are not cooperating in the trial, the Court directs the petitioner to be enlarged on bail in connection with Gopalpur (Rangra) P.S. Case no.11 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge III, Naugachia, Bhagalpur.

(Partha Sarthy, J)

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