

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78921 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- BHAWANIPUR District- Purnia

Awdhesh Mandal @ Awdhesh Kumar @ Awdhesh Kumar Mandal, aged about 51 years, Male, Son of Late Arjun Mandal, R/O Vill.- Bhitha, P.S.- Bhawanipur, Dist.- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanchit Singh, Advocate

For the Opposite Party : Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 01-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bhawanipur P.S. Case No. 112 of 2024 dated 04.06.2024 registered for the offences punishable under Sections 302, 120B read with Section 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, two unknown persons came to the paint shop of the informant's elder brother on a black colour splendor motorcycle and fired on him, due to which, he received firearms injury. He was brought to Health Centre, Bhawanipur and from where he was referred to Purnea where the doctor has declared him to be dead.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has surfaced in the present case during the course of investigation on the basis of the confessional statement of the co-accused Vikash Yadav due to political rivalry which has got no evidentiary value in the eyes of law. It is further submitted that except confessional statement of the co-accused Vikash Yadav, there is no other substantive evidence to suggest the implication of the petitioner in the present. It is further submitted that the alleged occurrence took place on 02.06.2024 and the F.I.R. has been lodged on 04.06.2024 and the delay in lodging the F.I.R. has not been explained by the prosecution. It is further submitted that the deceased had land dispute with several persons. The informant has not taken the name of the petitioner. The informant has given application to several places to take legal action against the accused persons but he did not name the petitioner. No T.I. Parade has been conducted till date to ascertain the real culprit of the alleged offence. There is no specific allegation against the petitioner. It is further submitted that the other co-accused person, namely, Sanjay Kumar Bhagat, has already been granted bail by a Bench of this Court vide Cr.



Misc. No. 69649 of 2024 under order dated 15.02.2025. The petitioner has 51 criminal antecedents and out of which in 32 cases, he has been acquitted as stated in paragraph no. 3 of the bail application as well as in paragraph no. 2 of the supplementary affidavit filed on behalf of the petitioner. The 32 cases in which the petitioner has been acquitted are as follows:- Falka P.S. Case No. 16/2002, Bhawanipur P.S. Case Nos. 89/2006, 109/2012, 286/2014, 288/2014, 63/2015, 129/2015, 50/2003, 171/2010, 97/2012, 32/2000, 58/2002, 94/2012, Chausa P.S. Case No. 81/1998, Rupauli P.S. Case Nos. 68/2001, 55/2003, 15/2009, 92/1999, 106/2002, 68/2001, 110/2000, 61/1999, 116/1999, Bhawanipur P.S. Case Nos. 63/2000, 41/1999, 07/1998, Rupauli P.S. Case No. 19/2000, Bhawanipur P.S. Case Nos. 80/2003, 19/2002, 17/1997 and Rupauli P.S. Case Nos. 92/1999 and 22/2003. The petitioner is in custody in this case since 05.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of the learned C.J.M. Purnea in connection with Bhawanipur P.S. Case No. 112 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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