

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89340 of 2024

Arising Out of PS. Case No.-335 Year-2024 Thana- TRIVENIGANJ District- Supaul

Rambilash Kumar @ Rambilash Mandal @ Rambilash @ Vijay Kumar S/O
Shyam Mandal R/O Villgaga and P.O- Chhit Dubiyahi, P.S- Pipra, Dist.-
Supaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Tanushri, Adv.
Mr. Purushottam Kumar, Adv.
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

3 24-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Triveniganj P.S. Case No. 335 of 2024 instituted for the
offences under Sections 329(3), 109(1), 3(5) of the B.N.S. and
Section 27 of the Arms Act.

3. As per prosecution case, on 31.08.2024, the
petitioner and three other accused persons on two motorcycle
came at the house of the Informant and fired upon him due to
which he sustained injury below his eye and on right arm.

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 due to ulterior motive as also due to dirty village politics. He further submits that the allegation made against the petitioner is vague and baseless in nature just to harass the petitioner. All the witnesses in this case are hearsay witnesses except the Informant and his wife. He further submits that both the parties are family members and there has been a land dispute between them. He further submits that the co-accused Niku Devi has already been granted bail by the learned court below itself. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted in this case. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 31.08.2024 without any rhymes or reason.

5. 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. The Informant in the re-statement and several other witnesses have supported the prosecution case. The independent witnesses namely Hareram Mandal and Lalita Devi have also supported the prosecution case. The injury report of the injured/Informant



which is mentioned in Para 101 of the case diary also supports the prosecution case. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 329(3)/331(8)/109(1)/61(2) of the B.N.S. and Section 27 of the Arms Act. The petitioner is named in the F.I.R. and hence, he does not deserve bail.

6. 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 and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, 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 Triveniganj P.S. Case No. 335 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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