

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28033 of 2026

Arising Out of PS. Case No.-12 Year-2025 Thana- PHULPARAS District- Madhubani

Shyam Mandal @ Shyam Kumar Mandal S/O Late Kameshwar Mahto @
Kameshwar Mandal R/O Village Dharmdiha Tole Godhyari, P.S - Phulparas,
District- Madhubani. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
		Mr. Vinod Kumar, Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s :		Ms. Renu Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 15-07-2026 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 190, 76, 115(2), 352 and 109 of the Indian Penal Code and Section 27 of the Arms Act.

3. While the husband of the informant was at field, the petitioner along with other co-accused persons and 5-7 unknown persons armed with deadly weapons came there, assaulted the daughter-in-law of the informant by butt of the gun. When the husband of the informant forbade them, they resorted to firing due to which he sustained injury.

4. It is submitted by learned counsel for the petitioner that, although the First Information Report discloses an



allegation against 13 persons along with 5 to 7 unknown persons of having surrounded the husband of the informant, the specific allegation of opening fire on the chest of the deceased is upon Ravindra Kumar Mandal and on the head on co-accused, Chandeshwar Mandal. So far as the present petitioner is concerned, there is general allegation of firing. It has further been pointed out that the paragraphs indicated in the bail rejection order i.e. paragraphs-57 to 60 of the case diary, are specific on the point that it was Ravindra Kumar Mandal, who took out pistol from his pocket and fired three times and one of the shot hit the deceased on the chest. The injury report also indicates that the deceased received one gun shot injury on the chest, as such the injury is attributable to only co-accused, Ravindra Kumar Mandal. It is further submitted that the petitioner and the informant are agnates and there is a land dispute between the parties. It is also pointed out that there is delay of two days in lodging the F.I.R. without giving any plausible explanation for the same.

5. Learned APP for the State opposed the prayer for bail on the ground that petitioner has three criminal antecedents, to which it is submitted on behalf of the petitioner he is on bail in the said cases.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the injury received



by the victim is attributable to a co-accused and the materials during investigation do not indicate any specific overt act of firing on the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court below where the case is pending/successor Court in connection with Phulparas P.S. Case No. 12 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, subject to further conditions that:

- (i) One of the bailors would be family members/close relative of the petitioner.
- (ii) The petitioner would cooperate investigation/trial and he would make himself available before the Investigating Officer of the case as and when required.

(Soni Shrivastava, J)

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