

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30356 of 2016

Arising Out of PS.Case No. -236 Year- 2015 Thana -DHURAIYA District- BANKA

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Shyam Sunder Mandal Son of Parsuram Mandal Resident of Village-
Assimaketa P.S. Dhuraiya, District-Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 09-11-2016 Heard Sri Vibhakar Kumar, learned counsel for the

petitioner and learned Additional Public Prosecutor .

The sole petitioner apprehending his arrest in
Dhuraiya (Dhankund)P.S. Case No. 236 of 2015 registered for
the offence under Section 341, 323, 324, 307, 379, 34 of the
Indian Penal Code and Section 27 of the Arms Act has prayed for
grant of bail.

By way of referring to the F.I.R. it was submitted by
learned counsel for the petitioner that the present case was
lodged on the basis of a complaint filed by the informant/
complainant vide Complaint Case No. 1881 of 2015 . As per the
complaint petition date of alleged occurrence is 31.10.2015
whereas complaint itself was filed on 4.11.2015 which was

referred to the police under Section 156(3) of the Cr.P.C. and thereafter the present F.I.R. was lodged on 11.11.2015. He submits that of -course in this case Section 27 of the Arms Act has been included but fact remains that there is no element of application of the said provision. On aforesaid grounds a prayer has been made to grant anticipatory bail.

Learned Additional Public Prosecutor has opposed the prayer for bail.

However keeping in view the fact that as per complaint itself the occurrence had taken place on 31.10.2015 and without any plausible reason regarding delay the complaint was filed on 4.11.2015 as well as in view of the nature of accusation made in the F.I.R. the court is of the view that it is a fit case for extending the privilege of anticipatory bail. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Shyam Sunder Mandal be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka / concerned court in connection with Dhoraiya (Dhankund) P.S. Case No. 236 of 2015 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure . On perusal of the order sheet it is evident

that investigation is still continuing. Accordingly petitioner has been granted the privilege of anticipatory bail with condition that if subsequently after collecting sufficient material police submits charge sheet forwarding petitioner as accused, the bail bond executed in the present case shall automatically stand cancelled and thereafter petitioner will have to appear before the court below and make a prayer for regular bail.

(Rakesh Kumar, J)

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