

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47723 of 2018

Arising Out of PS. Case No.-337 Year-2018 Thana- KAHALGAON District- Bhagalpur

Ajay Mandal @ Niranjan Mandal, Son of Popli Mandal, Resident of Village-
Amapur, Police Station- Kahalgaon (Ghogha), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in **Kahalgaon P.S. Case No.337 of 2018** instituted for the offence under Section(s) 327, 409, 420 of the Indian Penal Code, Section 40 BMMC Rule 1972 and Sections 6, 8, BMRC Rule 2003.

Learned counsel for the petitioner has submitted that there is no recovery of any incriminating article from the possession of petitioner. The name of this petitioner has been taken by co- accused Lalu Mandal who was apprehended by the police.

In the written report, it is alleged that police on information that some accused persons have opened an office at Mirjachowki for illegal collection from the drivers of the



overloaded trucks, arrived there and raided the house of Lalu Mandal who confessed his guilt. The search was made in house of co accused Lalu Mandal and several articles were recovered as mentioned in the written report. It is further alleged that other co accused Gautam Mandal was also apprehended at the instance of co accused Lalu Mandal and several articles have been recovered from his possession. It is also alleged that co accused Gautam Mandal is the Munshi in the illegal office. The co accused Bikash Pandit was also apprehended on the basis of confessional statement of co-accused Lalu Mandal. Rs. 55,000/- was recovered from the possession of co accused Bikash Pandit. The co accused Lalu Mandal and co accused Bikash Pandit also disclosed the name of co accused Lalan Rai @ Lalan Raj. The co accused Ranjeet Kumar was also apprehended since the call of co accused Ranjeet Kumar has been received at the mobile of accused Lalu Mandal,

In this manner from the entire FIR, it appears that there is no allegation of any specific overt act against this petitioner. Petitioner is the owner of the depot of the chip. He has no concern with the aforesaid collection of aforesaid illegal money.

In the facts and circumstances of the case, prayer of



the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Kahalgaon P.S. Case No.337 of 2018**, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **CJM, Bhagalpur**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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