

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19141 of 2019

Arising Out of PS. Case No.-473 Year-2018 Thana- KAHALGAON District- Bhagalpur

RANJAN MANDAL Son of Nand Lal Mandal Resident of Village - Udai
Rampur (Kadwar), P.S.- Ghogha (Kahalgaon), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
22.12.2018 in connection with Kahalgaon (Ghogha) P.S. Case
No. 473 of 2018 for offences punishable under Sections 25(1-b)
a/26/27/35 of the Arms Act.

The prosecution case, as lodged by the informant
police personnel, is that on information that the villagers have
indulged in gang war, the police reached the place of occurrence
and apprehended two co-accused, namely, Pankaj Mandal and
Amrish Mandal fleeing from the place. On search, from the
possession of co-accused Amrish Mandal country-made pistol
with one loaded cartridge was recovered. The name of the
petitioner and other persons were revealed by the Chowkidar
and local villagers.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, was a villager and was not engaged in gang war. He submits that petitioner was not even at the place of occurrence, no arms and ammunitions have been recovered from his possession, as such the allegations under the Arms Act is not applicable against the petitioner. It is further submitted that one of the co-accused, on similar allegations, has been granted the privilege of pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 66502 of 2018 vide order dated 21.01.2019 with observation that there was no direct material against the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon (Ghogha) P.S. Case No. 473 of 2018.

Rajesh/-

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(Nilu Agrawal, J)

