

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42491 of 2019

Arising Out of PS. Case No.-188 Year-2019 Thana- KOTWALI District- Munger

SUSHANT MANDAL @ SUSHANT KUMAR Son of Preme Kumar
Resident of Mogal Bazar, P.S.-Kotwali (Basudeopur), District-Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-09-2019 Heard Learned counsel for the petitioner and learned
counsel for the informant.

The petitioner in the present case is seeking anticipatory
bail in connection with Kotwali (Basudeopur) P.S. Case No. 188
of 2019 registered for the offences punishable under Sections 341,
323, 324, 307, 385, 504, 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner is said to be a member of the group of
about 7 named and 2-3 unknown persons who had assembled at
the house of the informant. In the first information report, the
informant has categorically stated as to who had injured him by
firing at him and named Piyush, Prince @ Golu who had shot at
and one Sukho Mandal who had ordered to kill the informant. So
far as this petitioner is concerned, the allegation against him is that
he had also fired but that firing did not hit the informant and no
injury was caused.



The informant has alleged that when he fell down then several unknown persons and one Sukho Mandal had assaulted him by stone.

Learned counsel for the petitioner submits that even at this stage there is no allegation that this petitioner had assaulted the informant.

Learned counsel for the petitioner submits that it is a case of false implication because it would not possible that if from close range the petitioner would have fired that would have missed out. It is submitted that the story that the petitioner had also fired but the same missed out is only for purpose of falsely implicating the petitioner who has otherwise no criminal antecedent.

Learned counsel for the informant has opposed the prayer for anticipatory bail. It is submitted that this petitioner was one among the persons who had assembled at the house of the informant and this petitioner had also fired but that missed out.

Having heard learned counsel for the petitioner and the informant, finding that though the allegation against the petitioner is that of firing but the informant has clearly stated that he did not receive any injury from the firing of this petitioner as also subsequently this petitioner had not indulged in causing any assault on the informant and further that he has no criminal history, this Court directs that the petitioner in the event of his



arrest or surrender within a period of four weeks from today in connection with Kotwali (Basudeopur) P.S. Case No. 188 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And subject to further condition that one of the bailors shall be his father.

(Rajeev Ranjan Prasad, J)

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