

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55317 of 2019

Arising Out of PS. Case No.-334 Year-2018 Thana- MUNGER MUFFASIL District- Munger

NIWAS MANDAL @ SRI NIWAS MANDAL Son of Late Ganga Mandal
Resident of Village - Sita Kund Dih, P.S.- Muffasil, Distt - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate Mr. Anil Kumar Roy, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with Muffassil P.S. Case No. 334 of 2018 for the offence registered under Sections 121, 379, 414, 120(B)/34 of the Indian Penal Code and Section 25 (1-a), 25 (1-aa), (1-b)a, 26, 27 and 35 of the Arms Act and Section 39 of the U.A.P. Act.

Learned Senior Counsel for the petitioner submits that the allegation against the petitioner is wholly remote and save and except passing a reference in the case diary at paragraph 164, there is no cogent material in the case diary to implicate the petitioner with the offence as has been alleged in the first information report. It is further submitted that the petitioner is



not named in the first information report but subsequently only in paragraph – 164 of the case diary passing a reference has been that the arms were passing through and one of the persons, who was transmitting the arms was this petitioner. Save and except, the aforesaid reference in paragraph 164 of the case diary, there is no further material anywhere in the case diary.

Learned counsel for the State, after perusal of the case diary which is available on record as had been called earlier, submits that there is only passing a reference in the paragraph 164 of the case diary but the same also is vague and indistinct and there is no other material available on record. It is also submitted by learned counsel for the State that the petitioner has no other criminal antecedent.

Considering the aforesaid facts and circumstances of the case and the nature of allegations made against the petitioner, let the petitioner, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in connection with Mufassil P.S. Case No. 334 of 2018 subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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