

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39261 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- EKCHARI District- Bhagalpur

Ganesh Mandal @ Ganeshi Mandal, S/o Jichchhu Mandal, R/o village-
Budhuchak, P.S.- Budhuchak, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Sessions Trial No. 409 of 2021, arising out of Ekchari P.S. Case No. 07 of 2021, registered for the alleged offences under Sections 353, 307/34 of the Indian Penal Code and Sections 25 (1-b)a, 26, 27, 35 of the Arms Act.

As per prosecution case, on the basis of secret information, the Special Task Force laid a trap and ambushed a gang of criminals. In the encounter, two of the co-accused persons were shot dead and the petitioner along with three other co-accused persons were apprehended with firearms and ammunitions. The petitioner and other co-accused persons are said to be the members of a notorious gang of the criminals



which terrorized the local population for quite a long time.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to suspicion as he went into the fields to ease himself and was arrested by the Special Task Force. The petitioner has nothing to do with the co-accused Chandrashekhar Kapri and Manohar Mandal, who were shot dead in the encounter. There is only one case against this petitioner which was lodged by his neighbour with whom the petitioner was having land dispute and the charge sheet was submitted in the year 2008 and thereafter, the petitioner has never been implicated or suspected in any criminal case prior to the lodging of the present case. The learned counsel further submits that in fact nothing incriminating has been recovered from the petitioner and the petitioner has got no concern with the recovery shown from him. The petitioner is in custody since 10.03.2021 and charges have been framed. Similarly placed co-accused persons have been granted bail by different Coordinate Benches of this Court vide orders dated 17.05.2022 and 14.11.2022 passed in Cr. Misc. Nos. 54487 of 2021 and 2195 of 2022, respectively.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a veteran criminal of a notorious gang and



he was caught red handed after encounter and from his possession, a musket rifle and a large quantity of ammunition were recovered.

Having regard to the facts and circumstances and submissions made hereinabove and considering the grant of bail to the similarly placed co-accused persons and further considering the framing of charge against the petitioner and his period of custody, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 4 Additional District and Sessions Judge, Bhagalpur, in connection with Sessions Trial No. 409 of 2021, arising out of Ekchari P.S. Case No. 07 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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