

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.57388 of 2021

Arising Out of PS. Case No.-151 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Anil Kumar Mandal, S/O Pawan Kumar Mandal, R/o village- Bari
Khanjarpur, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2022 Learned counsel for the petitioner is permitted to

make necessary correction in the prayer portion of the bail

application.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kotwali (Tilkamanjhi) P.S. Case No. 151 of
2020 (S.T. No. 50 of 2021) for the offences punishable under
Sections 291, 307 of the Indian Penal Code and Sections 25(1-
b)a, 26(ii) and 27 of the Arms Act.

As per prosecution case as alleged in the F.I.R. is that



one person engaged in displaying the Arms. The police reached there and tried to apprehend this person, but it is alleged that he fired upon the police party. Later on, he apprehended by the police and from his possession one country made pistol along with two live cartridges were recovered.

It is submitted on behalf of the learned counsel for the petitioner that the petitioner has absolutely clean antecedent and he is in custody since 28.02.2020. It is further submitted that though it is alleged that firing has taken place, but no injury has been caused to any person and there is no independent witness to support the prosecution case. It is further submitted that the investigation has already been concluded and charge-sheet has also been submitted and there is no chance of his absconding and tampering with the evidence.

On the other hand, learned APP for the State submits that there is allegation that this petitioner fired upon the police party.

Having heard the learned counsel for the petitioner as well as learned counsel for the State and it appears that the petitioner has been apprehended with one country made pistol along with two live cartridges, though it is alleged that firing has taken place, but none has received any injury.



Considering the aforesaid fact and taking into consideration the period of custody and the fact that the petitioner has got no criminal antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-XI, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 151 of 2020 (S.T. No. 50 of 2021) with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Harish Kumar, J)

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