

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59722 of 2021

Arising Out of PS. Case No.-765 Year-2020 Thana- KAHALGAON District- Bhagalpur

Gurudev Mandal S/O Late Yugal Mandal R/O Village-Amarpur (Tirmuhan),
P.S-Kahalgaon, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Learned counsel appearing on behalf of the petitioner seeks permission to make necessary correction in Paragraph No. 10 with regard to custody of the petitioner.

Permission is accorded and the petitioner is directed to make necessary correction in the petition.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kahalgaon P. S. Case No. 765 of 2020 registered for the offences punishable under Sections 395, 412,



307, 353, 332 and 333 of the Indian Penal Code and Section 25(1-b)a, 26, 27 and 38 of the Arms Act.

As per the prosecution case, it is alleged that on 07.12.2020 the Police received a secret information that some miscreants are indulged in looting a carrier van. On the aforesaid information the Police reached at the place of occurrence. On seeing the Police party the miscreants fired upon them, however, the Police apprehended three persons including this petitioner. On search it is alleged that one country-made musket, two live cartridges and one mobile phone have been recovered from the possession of this petitioner.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the recovery of the arms has been made from different places but it has been shown to be recovered from the possession this petitioner, so far the mobile phone is concerned, the same belongs to this petitioner. It is also submitted that there is no allegation against this petitioner that he has made any firing over the Police force. It is further submitted that other co-accused namely Ajay Mandal and Niranjana Kumar, who were also apprehended by the Police at the spot, have already been granted bail by a co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 40749 of 2021 vide order



dated 08.10.2021. It is next submitted that this petitioner is in custody since 08.12.2020, apart from the fact that the investigation has already been concluded and the charge-sheet has been submitted in the present case.

On the other hand, learned counsel appearing on behalf of the State opposes the bail application and submits that the recovery of the arms and ammunition has been made from the possession of this petitioner, in as much as this petitioner is found to be involved in three other criminal cases. In reply to the aforesaid submissions, learned counsel for the petitioner submits that in all three cases the petitioner is on bail.

Having heard the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is in custody since 08.12.2020 and other similarly situated persons have already been granted bail by co-ordinate Bench of this Hon'ble Court, in as much as the investigation has already been concluded and charge-sheet has been submitted, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P. S. Case No. 765 of 2020, subject to the condition



that one of the bailors will be the close relative of the petitioner
with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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