

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15403 of 2023

Arising Out of PS. Case No.-59 Year-2022 Thana- DHAMDAHA District- Purnia

UPENDRA MANDAL Son of Chhabilal Mandal R/v- Kabaiya Mandal Tola,
Ward No. 12, P.S.- Dhamdaha, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in connection with Dhamdaha P.S. Case No. 59/2022 dated 24.03.2022, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act pending in the Court of learned C.J.M., Purnia.

After some arguments, learned counsel for the petitioner seeks permission to withdraw this application.

Permission is granted.

Accordingly, the instant application is dismissed as withdrawn.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and



seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

The learned Court below in paragraph-6 of the impugned order, while rejecting the prayer for bail of the petitioner, has clearly stated that on the basis of confessional statement of the co-accused Ranjeet Mandal a country-made Katta (firearms) and one empty cartridges of 8MMKF was recovered from the house of the co-accused Gulo Mandal. The said Gulo Mandal @ Gulabchand Mandal has already been granted anticipatory bail by this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 50095/2022, relying upon the submission of learned counsel for the petitioner that no incriminating article has been recovered from the house of the petitioner. It appears that learned counsel appearing in Cr. Misc. No. 50095/2022 had tried to suppress the material fact and which came to the light of this Court while going through the impugned order of this case.

In such view of the matter, learned APP for the State is directed to file an application for cancellation of bail of co-accused Gulo Mandal @ Gulabchand Mandal, who has already been granted bail by this Court in Cr. Misc. No.50095/2022 vide



order dated 08.12.2022 on the ground of suppression of material
fact.

(Anjani Kumar Sharan, J)

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