

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56249 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- TATARPUR District- Bhagalpur

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Kanchan Mandal @ Kanchan Mandan Son Of Tarni Mandal Resident Of
Mohall Parwatti, Near Satsang Bhawan, Police Station Tatarpur
(UNIVERSITY Op), District Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 30-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. The petitioner is apprehending his arrest in
connection with Tatarpur (University) P.S. Case No. 152 of
2023 registered for the offence punishable under Sections 385,
387 and 34 of the Indian Penal Code and Section 25(1-B)a, 26
and 27 of Arms Act.
3. There is an allegation that the petitioner along with
two others have indulged in aerial firing to terrorise the
residents of *Labbu Pasi lane*. The police officer, who has lodged
the FIR, has stated that when they arrived at the place of
occurrence, all three accused fled on the cycle and one bullet
shell has been recovered from the place of occurrence.



4. It is submitted by learned counsel for the petitioner that falsity of the allegation is evident from the fact that even as per the allegation, only one shell has been recovered, whereas the informant has alleged firing by three persons with a view to intimidate persons in the locality. As a sequel to the petitioner's implication in Tatarpur P.S. Case No. 280 of 2018, he has been implicated in this case merely on rumour. The petitioner is on bail in the earlier case. None has been injured in the alleged firing.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, the material collected by the police officer and the nature of accusations, this Court, for the limited purposes of grant of bail, is inclined to accept the submission advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Bhagalpur/successor



court, Bhagalpur, in connection with Tatarpur (University) P.S.
Case No. 152 of 2023, subject to the conditions as laid down in
Section 438(2) of the Code of Criminal Procedure as also
subject to the following conditions:

(i) That one of the bailors
will be a close relative of the petitioner
who will give an affidavit giving
genealogy as to how he is related with
the petitioner. The bailor will also
undertake to inform the court if there is
any change in the address of the
petitioner.

(ii) That the petitioner will
be well represented on each date and if
he fails to do so on two consecutive
dates, his bail bond will be liable to be
cancelled.

(Madhuresh Prasad, J)

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