

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40071 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- MADHEPUR District- Madhubani

Sandeep Kumar Mandal @ Sudeep Mandal Son of Chhedi Mandal, R/O Vill.
and P.S.- Madhepur, Dist.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Baleshwar Kamat, Advocate

For the Opposite Party : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 24-07-2024 Heard Mr. Baleshwar Kamat, the learned counsel

for the petitioner and Mr. Abhay Kumar Roy, the learned

Additional Public Prosecutor for the State.
2. The petitioner is apprehending his arrest in

connection with Madhepur PS Case No. 10 of 2023, FIR dated

16.01.2023, registered for the offences punishable under

Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.
3. According to the prosecution case, around 10:00

PM, two persons came on a motorbike outside the house of the

informant and called him out three to four times and when the

informant came, the accused persons fired in the air and fled

away. It is further alleged that the mother of the informant found

one live cartridge in front of her house in the next morning.
4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that merely on the basis of suspicion, the name of the petitioner has been implicated in the present case. He lastly submits that except suspicion, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances mainly the facts that petitioner has clean antecedent and his name has transpired merely on the basis of suspicion, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Judicial Magistrate 1st Class, Jhanjharpur, Madhubani, where the case is pending in connection with **Madhepur PS Case No. 10 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the



following conditions:

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

(ii). 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.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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