

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25200 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -NAUHATTA District- SAHARSA

=====

1. Rahul Mandal S/o Baijnath Mandal
2. Hira Mandal S/o Munar Mandal
3. Vijay Mandal S/o Jabar Mandal
4. Parmanand Mandal S/o Shukul Mandal All Resident of Village Pipra-
rahi, Police Station Nauhatta, District Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Mustaque Alam, Advocate
Mr. Md. Harun Quareshi, Advocate
For the Opposite Party : Mr. Ambika Bhagat, Spl .A P.P.

=====

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

2 08-07-2015 This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioners, namely, Rahul Mandal, Hira Mandal, Vijay Mandal and Parmanand Mandal, in connection with Nauhatta Police Station Case No. 55 of 2015 under Sections 147/149/341/504/448/323/354/380/506 of the Indian Penal Code and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Perused the above application and materials on record including a copy of the order, dated 02.05.2015, passed, in A.B.P. No. 371 of 2015, by the learned Sessions Judge, Saharsa, dismissing the said application for pre-arrest bail.

Heard Mr. Mustaque Alam, learned Counsel for the

petitioner, and Mr. Ambika Bhagat, learned Special Additional Public Prosecutor, appearing on behalf of the State.

Considering the claim and counter claim with regard to a plot of land, which the petitioners claim had been purchased by a co-accused on 09.01.1979, and the same land was purchased by the informant as late as on 31.03.2014 coupled with the fact that three days prior to First Information Report, which has given rise to the present case, a case was registered on the basis of First Information Report lodged by the uncle of the petitioners, this Court is of the view that the petitioners have been able to make out a case calling for appropriate direction for pre-arrest bail.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the petitioners above-named shall, in the event of their arrest in connection with the case aforementioned, be released on bail of Rs. 10,000/-, with two sureties, each of the like amount, subject to the satisfaction of the Officer-in-Charge, Nauhatta Police Station, Saharsa. This direction for bail is further subject to the condition that the petitioners above-named shall, within two weeks from today, appear before the Officer-in-Charge, Nauhatta Police Station, Saharsa, and make themselves available for interrogation by police at all reasonable time and shall not, directly or indirectly, make

any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

This application for pre-arrest bail shall stand disposed of in terms of the above observations and directions.

Let a copy of this order be sent, forthwith, to the Officer-in-Charge, Nauhatta Police Station, Saharsa.

Send also a copy of this order, forthwith, to the Superintendent of Police, Saharsa, by fax.

(I. A. Ansari, J)

Pawan/-

U		T	
---	--	---	--