

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38873 of 2014**

Arising Out of PS.Case No. -24 Year- 2014 Thana -PALASI District- ARRARIA

- =====
1. Ashok Kumar Mandal S/o Gulab Chand Mandal Resident of Village Pipra Bijwar, P.S. Palasi, District Araria.
  2. Mamta Devi W/o Ashok Kumar Mandal Resident of Village Pipra Bijwar, P.S. Palasi, District Araria.
  3. Smt. Zainab W/o Md. Atwari, At Dighll, P.S. Palasi, District Araria.

.... .... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Araria
3. The Principal, Primary School Farman, Sarpanch Tola Dighli, P.S.- Palasi, District- Araria.

.... .... Opposite Parties

=====

**Appearance :**

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate &  
Mr. Mukesh Kumar Singh, Advocate  
For the State : Mr. Md. Arif, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL ORDER**

10 04-05-2016 Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

Pursuant to order dated 13.04.2016, the Principal,  
Primary School Farman, Sarpanch Tola, Dighli, P.S. Palasi,  
District- Araria is present and files her show cause. However, the  
District Magistrate, Araria is not present.

Learned A.P.P. submits that the District Magistrate  
had sent instructions in advance on the basis of which counter  
affidavit has been filed and he was also supposed to be present



before the Court today, but unfortunately, due to pressure of work on account of Panchayat elections, he has suffered sun stroke and fallen ill. It is submitted that the District Magistrate, Araria has sent the A.D.M., Araria to represent him before the Court. He has filed a counter affidavit on behalf of the District Magistrate, Araria.

An affidavit has also been filed on behalf of the District Magistrate, Araria seeking exemption from his appearance today, on the ground that he has suffered sun stroke on account of election duty relating to the Panchayat Election.

For the reasons aforesaid, the Court allows the prayer for exemption on behalf of the District Magistrate, Araria.

Since in the affidavit filed by the Principal of the school enclosing report of the engineer that the money taken in advance by the petitioners have been accounted for in the construction of the building, the Court finds that the undertaking given by the petitioners earlier, while they were granted provisional bail, has been complied with.

For the reasons aforesaid, the application stands disposed off confirming the provisional bail granted earlier to the petitioners on 27.04.2015. However, the same shall be subject to the condition that they shall co-operate in the trial and be present

on each and every date. Failure to appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

**(Ahsanuddin Amanullah, J)**

N.H./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|