

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51873 of 2014

Arising Out of PS.Case No. -294 Year- 2007 Thana -SIMRI BAKHTIARPUR District- SAHARSA

- =====
1. Dhirendra Nath Mandal son of Palan Chandra Mandal, resident of village Bela Pemu, P.S. Barhara Kordhi, District Purnia
 2. Lal Mohan Jha, son of late Khudo Jha, resident of village Basauna P.S. Sadar District Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Mishra

For the Opposite Party : Mr. Ram Chandra Singh(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-05-2015 It has been state that during pendency of this application petitioner no.2, namely, Lal Mohan Jha has already been arrested and application on his behalf has become infructuous.

Accordingly, the application of the petitioner no.2 is dismissed as having become infructuous.

Heard Mr. A.K. Mishra learned counsel for the petitioner and Mr. Ram Chandra Singh learned APP for the State.

Sole petitioner apprehends his arrest in connection with Simri Bakhtiarpur P.S. case no. 294 of 2007 instituted under Sections 409, 467,420,468 and 120B of the IPC has prayed for anticipatory bail.

The BDO, who is informant of the present case, has alleged that the petitioner took some advance for execution of certain works but the petitioner did not complete the work.

It is contended that work was executed utilizing the advance which was subsequently adjusted and the matter has been reported by the informant himself to the officer in charge . He draws attention of the Court to Annexure-2 at page 22. It has also been stated that considering the aforesaid fact co –accused Jai Prakash Yadav has since been released on anticipatory bail vide order dated 20.1.2015 passed in Cr. Misc. 2426 of 2015. A web copy whereof has been handed in by the counsel for the petitioner which is taken on record and marked 'X' for identification.

In the facts and circumstances of the case, this Court is inclined to privilege the petitioner with anticipatory bail. Let the petitioner No.1 , namely, Dhirendra Nath Mandal, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Simri Bakhtiyarpur P.S. case no. 294 of 2007 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-



- (i) One of the bailors shall be the own/close family members of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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