

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45224 of 2016

Arising Out of PS.Case No. -561 Year- 2015 Thana -BANKA District- BANKA

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Bikash Mandal, Son of Late Mahabir Mandal, Resident of Village-
Indrasena, P.S. Amarpur, District-Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 19-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Banka P.S. Case No.561 of 2015 registered under Sections 147,
148, 149, 447, 341, 323, 384, 307, 379 and 506 of the Indian Penal
Code besides Section 27 of the Arms Act, pending in the court of
the Chief Judicial Magistrate, Banka.

The accusation is that the informant reached at the bank
of Chanan river for loading the sand with a truck bearing
Registration No.WB-73A-7604 where 8-10 persons armed with
deadly weapons came and giving threatening started to make
demand from the manager of the Baloo Ghat, namely, Mantu



Yadav, of Rs.1,00,000/- but he denied. Due to that reason, all the accused persons snatched Rs.5000/- from him and also started to make demand of ransom from the driver and khalasi of the truck. In the meantime, 3-4 persons entered into the cabin of his truck and started to make demand from the khalasi of the truck but he did not give the money as ransom and further refused to disclose about the place of keeping the money. Thereafter, all the accused persons fired at khalasi of the truck. In the meantime, Mantu Yadav, the Manager of the Baloo Ghat, came there and sent the khalasi of the truck for treatment. Mantu Yadav disclosed that they have identified four persons out of all the miscreants including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that, on investigation, the police submitted final form against the petitioner but the learned court below took the cognizance of the offence under Sections 147, 148, 149, 447, 341, 323, 307, 379, 384 and 506 of the Indian Penal Code besides Section 27 of the Arms Act against the petitioner on perusal of the materials available in the case diary. In fact, the petitioner has falsely been implicated in this case due to enmity with the Manager of the Baloo Ghat, namely, Mantu Yadav, and in course of investigation, some witnesses also stated this fact.



Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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