

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 42306 of 2016

Arising Out of PS.Case No. -288 Year- 2016 Thana -BIRAUL District- DARBHANGA

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Bhuwan Mandal S/o Bindeshwar Mandal R/o Village- Kamalpur, P.S.-
Biraul, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar
2. Sh. Jinach Mandal S/o Late Yogendra Mandal, R/o vill- Jagdishpur P.S.
– Biraul, Dist. – Darbhanga Incharge Headmaster Middle School,
Kamalpur East, Biraul, Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 30-11-2016 Heard Sri Manish Kumar, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Biraul
P.S. Case No. 288 of 2016 registered for offence under Sections
341, 323, 353, 379, 385 of the Indian Penal Code, has prayed for
grant of anticipatory bail.

It was argued by learned counsel for the petitioner that
since in the Middle School Kamalpur East Biraul, District
Darbhanga, there was huge misappropriation of public fund in
distribution of uniform etc., the petitioner, being social activist,
had filed an application under the Right to Information Act, 2005
regarding certain information, which was not provided to the



petitioner on one ground or the other and finally, the petitioner has falsely been implicated by the concerned incharge Headmaster, as if petitioner had interfered in discharge of his official duty and also committed an offence by snatching Rs. 5,000/- (five thousand) from the pocket of the informant. By way of referring to Annexure – 3 to the petition, it has been argued by learned counsel for the petitioner that in view of non-supply of information under the Right to Information Act, the petitioner has also filed an appeal. In sum and substance, it has been argued that once the petitioner wanted to unveil the fraud committed by the concerned public servant, the petitioner has falsely been implicated in the present case.

In this case, earlier by order dated 05-10-2016, while allowing learned counsel for the petitioner to implead informant, as opposite party no. 2, this Court had directed for issuance of notice to the informant and in the meanwhile, the petitioner was directed to be released on bail provisionally.

Learned counsel for the petitioner submits that in view of order dated 05-10-2016, the petitioner has already appeared before the court below and he has been released on provisional anticipatory bail.

Learned Addl. Public Prosecutor has opposed the

prayer.

However, besides hearing learned counsel for the parties, I have also perused the materials on record. After examining the material on record as well as considering the fact that petitioner has already been released provisionally on anticipatory bail, there is no reason to deny the privilege of anticipatory bail to the petitioner.

Accordingly, the petition is allowed.

The provisional anticipatory bail order dated 05-10-2016 is hereby confirmed and petitioner shall remain on the same bail-bond, which was executed pursuant to order dated 05-10-2016 passed by this Court.

(Rakesh Kumar, J.)

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