

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4671 of 2017

Arising Out of PS.Case No. -30 Year- 2016 Thana -DANDKHORA District- KATIHAR

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1. Chandan Kumar Das, Son of late Uday Das
2. Vijay Mandal, Son of Baidh Nath Mandal,
Petitioner No. 1, Resident of Village- Sakraily, Petitioner No. 2,
Resident of Village- Soti, Both of Police Station- Dandkhora, District-
Katihar. Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party : Mr. Sri Ajit Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-02-2017 The learned counsel for the petitioners submits that petitioner no.1 (Chandan Kumar Das) has been arrested and, as such, his pre-arrest bail application has become infructuous accordingly, the prayer of pre-arrest bail of petitioner no.1 is dismissed as withdrawn.

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Dandkhora P.S. Case No. 30 of 2016, registered for the offences punishable under Sections 147, 148, 341, 323, 436, 504, 506, 379 of the Indian Penal Code and Section 53(2) of Bihar Excise (Amendment) Act, 2016.

Allegedly, the petitioner and other F.I.R. named accused persons burnt thatched kitchen and when Chanda Devi came out she was assaulted by the accused persons who were in



drunken state.

Submissions is of false implication and that in this case Bijay Bishwas @ Bijay Kumar Bishwas, Anandi Bishwas, Jagat Bishwas @ Jamat Bishwas and Gurucharan Mandal have already been allowed pre-arrest bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 48562 of 2016 and the petitioner also deserves sympathetic consideration as against the petitioner there is no specific allegation, land dispute in between the parties was going on and in a trivial matter, colour of criminal offence has been given.

The learned A.P.P. fairly submits that other four accused have been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioner Vijay Mandal in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Katihar, in connection with Dandkhora P.S. Case No. 30 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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