

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1040 of 2017

Arising Out of PS.Case No. -83 Year- 2003 Thana -SONO District- JAMUI

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Dashrath Mandal @ Dashrath Prasad Mandal, Son of Basu Mandal, resident
of Village - Matihana, P.S. - Sono, District - Jamui..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with Sono P.S.
Case No. 83 of 2003 registered for the offences punishable under
Sections 147, 148, 341, 307, 436, 323, 302, 3543, 427, 380, 120B of the
Indian Penal Code, Sections 34 of Explosive Substance Act and 34 of
Anti Terrorist Act.

The petitioner is named in the first information report which is
of the year 2003 and he has come for pre-arrest bail now after lapse of
so many years.

Submission is that the Superintendent of Police did not find
accusation true against Bharat Mandal and others, thereafter,
chargesheet dated 24.11.2003 was submitted. Chargesheeted accused
Jagaeshwar Mandal, Ramlal Mandal and Kamli Devi faced trial and
during trial so-called eye witnesses, the informant and her daughter, her
son have been examined and they have specifically deposed that they



did not identify any miscreants and the aforesaid accused persons have been acquitted vide judgment dated 31.01.2007 passed in Sessions Trial No. 247 of 2004. The Superintendent of Police after six years found accusation true against Bharat Mandal and others including the petitioner, resulting he is apprehending his arrest. The petitioner is a retired Panchayat Sewak and at present he is aged about 79 years and he is suffering from various ailment. His left kidney is damaged and he is not in a position to walk independently.

Learned APP opposes the prayer of bail by submitting that after lapse of 13 years the petitioner has come for pre-arrest bail though he is named in the FIR.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, this Court is not inclined to enlarge the petitioner on pre-arrest bail, accordingly, his such prayer stands rejected.

However, in case and if so advised, the petitioner surrenders and seeks regular bail before the court below, then his prayer for bail shall be considered on its own merit on the same day without being prejudiced by the present order considering his age and ailment.

(Jitendra Mohan Sharma, J)

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