

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14433 of 2019

Arising Out of PS. Case No.-732 Year-2018 Thana- ARARIA District- Araria

1. DABLU @ DINA MANDAL
2. Dinesh Mandal
3. Manikchandra Mandal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-03-2019 Heard both sides.

The petitioners apprehend their arrest in Araria (R.S.) P.S. case No. 732 of 2018 registered under Section 323, 324, 353 and other Sections of the IPC.

The gist of the allegation is that when the informant arrested accused of G.R. case No. 796 of 1999, the petitioners prevented the police officials from taking the arrested accused to P.S. and got Sanjeet Chouhan freed from the custody of police. The petitioners are alleged to have assaulted the Chowkidar.

The learned counsel for the petitioners submits that Sanjeet Chouhan was granted bail eight months ago in G.R. case No. 796 of 1999. The family members of Sanjeet Chouhan showed the order granting bail to Sanjeet Chouhan to the police officials but they were bent upon to arrest Sanjeet Chouhan. It is further submitted that wife of Sanjeet Chouhan lodged complaint case No. 2570 of 2018 against the Chowkidar and another but it appears from perusal of the records that the



informant very categorically alleged that he arrested Sanjeet Chouhan, absconder accused of G.R. case No. 796 of 1999, and while he along with Chowkidar were bringing the accused to P.S. the petitioners attacked them and assaulted the Chowkidar and got the apprehended accused freed from custody. The wife of Sanjeet Chouhan filed complaint case on 01.11.2018 with regard to occurrence taken place on 25.10.2018.

Considering the facts aforesaid and the fact that petitioners used criminal force in getting the apprehended accused freed from the custody of the police, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, the learned court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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