

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40338 of 2019

Arising Out of PS. Case No.-77 Year-2008 Thana- UDAKISHUNGANJ District- Madhepura

Chandan Mandal @ Chandan Kumar Mandal, son of Late Satyanarain
Mandal Resident of Village - Khokhsi Bara West, P.S.- Gwalpara, Dist.-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-09-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in connection with Uda
Kishunganj (Gwalpara) P.S. Case No. 77 of 2008 dated
22.08.2008 instituted for the offences under Section
409 of the Indian Penal Code.

The only allegation against the petitioner is that
from the veranda of his house, 350 Kgs of rice meant to
be used in the mid-day-meal scheme was found by the
informant.

The petitioner has got no association with the



school or the Principal of the school in which the rice was sent for being used in the mid-day-meal scheme. Considering the accusation against the petitioner to be absolutely unfounded, the police did not send him up for being tried. However, cognizance was taken against the petitioner also on 16.06.2012.

The learned counsel for the petitioner has submitted that petitioner did not know about such cognizance having been taken against him and therefore he did not surrender to the process of law immediately after taking of cognizance. When the petitioner came to learn about such accusation against him, he preferred an anticipatory bail application before this Court vide Cr. Misc. No. 45617 of 2018 which stood rejected on 21.08.2018, but a direction was given to the petitioner to surrender before the Court below and the Court below was further directed to look at the entire aspect of the matter including the fact that the petitioner had not been sent up for trial and pass necessary orders. Pursuant to



the aforesaid direction issued by this Court, the petitioner surrendered but his prayer for bail has been rejected.

The petitioner is in custody since 14.03.2019.

Regard being had to the nature of accusation against the petitioner and the period of custody, he is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Uda Kishunganj (Gwalpara) P.S. Case No. 77 of 2008.

(Ashutosh Kumar, J)

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