

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49750 of 2019

Arising Out of PS. Case No.-282 Year-2016 Thana- AAJAM NAGAR District- Katihar

Prakash Mandal @ Prakash Chaudhary @ Prakash Parihar, Son of Suresh
Parihar Resident of Village - Imamnagar, P.S.- Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 24-10-2019

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 364
& 365/34 of the Indian Penal Code.

The brother-in-law of the informant had gone
out of the State along with Bishan Mandal and Prakash
Mandal. Both the persons regressed to the house but her
brother-in-law did not return. On quizzing Prakash Mandal
he extended threatening of dire consequence in case of
quizzing about the aforesaid person in future.

It is submitted by learned counsel for the
petitioner that the petitioner has no concern with the



aforesaid occurrence. He has been falsely implicated in the case by the informant due to dirty village politics and animosity. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is inordinate delay of one year and eight months in lodging the F.I.R. without assigning any plausible explanation for the said delay which creates serious doubt about the prosecution case. Independent witnesses in paragraphs-39, 40, 41 & 42 of the case diary have unanimously stated that the victim is having criminal antecedent and number of cases including the dacoity have been lodged against him. He might have been eliminated in encounter. He has no criminal antecedent.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Katihar in



connection with Azamnagar P.S. Case No. 282 of 2016,
subject to the condition as laid down under Section 438 (2)
of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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