

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14480 of 2020

Arising Out of PS. Case No.-202 Year-2019 Thana- AMDABAD District- Katihar

1. NARESH MANDAL S/o Biju Mandal @ Khokhu Mandal R/o-Bhagidih, P.S.-Amdabad, District-Katihar.
2. Kishan Mandal S/o Naresh Mandal R/o-Bhagidih, P.S.-Amdabad, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Ajay Mishra, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection with Amdabad P.S. Case No. 202 of 2019 for the offence punishable under sections 406, 409/34 of the Indian Penal Code.

The allegation is regarding the accused persons having taken a sum of Rs. 1,000/- each from the beneficiaries for making payment of incentive amount for the purposes of



constructions of toilets. Subsequently, an enquiry is stated to have been conducted wherein the name of the petitioners has also transpired as the persons who had taken a sum of Rs. 500/- from the beneficiary.

The learned counsel for the petitioners has submitted that the allegation is mainly against the co-accused person namely Pranav Das of having taken illegal money from the beneficiary, however, the petitioners have got no role to play in the alleged occurrence and have been falsely implicated in the present case. It is further submitted that the petitioners are having a clean antecedent and undertake to join the ensuing investigation. Lastly, it is submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by this Court by an order dated 03.03.2020 passed in Cr. Misc. No. 9009 of 2020.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioners and taking into consideration the parity of the case of the petitioners with that of the co-accused person, who has



already been granted anticipatory bail, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Amdabad P.S. Case No. 202 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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