

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.10725 of 2020

Arising Out of PS. Case No.-989 Year-2019 Thana- FORBESGANJ District- Araria

JAGDEO PRASAD MANDAL @ JAGDEO MANDAL Son of Late Turai
Mandal Resident of Village - Aurahi Chauri Tola, P.S.- Forbesganj (Simraha
O.P.), District – Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-07-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State, through
Video Conferencing.

This application, for grant of anticipatory bail, arises
out of Forbesganj (Simraha O.P.) Police Station Case No. 989 of
2019, disclosing offences under Sections 341/353/225-B/34 of
the Indian Penal Code.

The prosecution case, as per the First Information
Report lodged by one Shiv Bachan Kumar Das, A.S.I. of Police,
Simraha Police Station, is that on 09.10.2019, he got a
telephonic message that some anti-social elements have taken
shelter in the house of the petitioner and when the informant,



along with police party, reached the house of the petitioner, 5 persons were produced by him, who were being taken by the police to the police station on a police vehicle. It has been alleged that thereafter the petitioner arrived near the police vehicle and asked those persons to get down from the vehicle on the pretext that the family members of the petitioner were insecure, on which all persons got down from the police vehicle and walked away and the police could not prevent them from going due to less number of force available with the informant. The informant thereafter lodged Sanha No. 200 of 2019, on 09.10.2019.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case at the behest of the husband of the Mukhiya of the village inasmuch as the present First Information Report has been lodged by the police after much delay on 15.10.2019, whereas the occurrence has allegedly taken place on 09.10.2019. He further submits that the fact of the matter is that the husband of the Mukhiya has lodged First Information Report against the petitioner and six unknown persons, being Forbesganj (Simraha O.P.) Police Station Case No. 971 of 2019, on 10.10.2019 and the petitioner had also lodged First Information Report against the husband of the



Mukhiya and twenty others on 10.10.2019, being Forbesganj (Simraha O.P.) Police Station Case No. 972 of 2019, for the occurrence alleged to have taken place on 09.10.2019. He further submits that the petitioner has been granted bail by this Court in the case lodged by the husband of the Mukhiya in Criminal Misc. No. 10874 of 2020. He further submits that the petitioner was a Government servant and has retired from the post of Block Supply Officer.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the present First Information Report has been lodged after a considerable delay by the police on 15.10.2019, for the occurrence which allegedly took place on 09.10.2019, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Forbesganj (Simraha O.P.) Police Station Case No. 989 of 2019, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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