

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10874 of 2020

Arising Out of PS. Case No.-971 Year-2019 Thana- FORBESGANJ District- Araria

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1. Jagdeo Prasad Mandal @ Jagdeo Mandal (Male) aged about 61 years S/O Late Turai Mandal, R/O Village :- Aurahi Chauri Tola, P.S. Forbesganj (Simraha), District : Araria
2. Golu @ Utsav @ Utasav Kumar (Male) aged about 19 years, S/O Dinesh Kumar , R/O Village : Hingna, P.S. Raniganj, 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

2 03-07-2020 Heard Mr. Arjun Prasad, learned counsel for the petitioners and Mr. Ramchandra Sahni, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Forbesganj (Simraha O.P.) P.S. Case No. 971 of 2019 registered for the offence punishable under Section 341/323/307/34 of the I.P.C. and Section 27 of the Arms Act.

The allegation against the petitioners is that informant got information that some criminals were hiding in Jagdeo Mandal's house proceeded towards his house and when he reached near the house along with other villagers, petitioner no. 2 fired upon him and five miscreants were caught hold and handed over to Police and petitioners succeeded in fleeing away.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to



village politics. Learned counsel further submits that the fact of the matter is that the informant is the husband of the sitting Mukhiya. Petitioner no. 1 is having home and hearth in the village but right now he is residing in Purnea town. It has further been submitted that when the informant received information from his relative that some problem has occurred in the village, he along with his relative proceeded towards the village where the informant and other villagers assaulted the petitioner no. 1, damaged his car also and snatched a sum of Rs. 60,000/- for which Farbesganj P.S. (Simraha O.P.) Case No. 972 of 2019 dated 10.10.2019 has been lodged by the petitioner no. 1 against the informant and others. Learned counsel further submits that on the same date the present F.I.R. has been lodged against the petitioner no. 1 and his other relatives. Learned counsel further submits that after the present case some other false cases have been lodged against the petitioners by the informant or / and on his instance. The cases lodged subsequent to the present case have been mentioned in paragraph no. 3 of this application. Learned counsel further submits that no body has received fire arm injury due to the alleged firing made by petitioner no. 2. Learned counsel also submits that petitioner no. 1 is a retired Government servant and has retired from the



post of Block Supply Officer.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are co-villagers, there is a case and counter case between them and no person has received fire arm injury due to the alleged firing made by petitioner no. 2, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory 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.) P.S. Case No. 971 of 2019 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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