

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13804 of 2020

Arising Out of PS. Case No.-138 Year-2018 Thana- CHANDAN District- Banka

1. Nirmal Mandal @ Nirmal Kumar Mandal, Male, aged about 50 years, Son of Shreedhar Mandal, Resident of Village - Bhodabazar (Bhora Bazar), P.S. Chandan, District - Banka.
2. Gultan Tanti, Male, aged about 54 years, Son of Tentu Tanti @ Tetu Tanti Resident of Village - Bhodabazar (Bhora Bazar), P.S. Chandan, District - Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sanjay Kumar Jha, Advocate.
For the Opposite Party : Mr.Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

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

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 353, 354, 379, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 24.08.2018, the petitioners came in the Branch and threatened the informant to go away giving up her post otherwise she would be disrobed,



outraged her modesty and killed by them and further they tried to tear and burn the official papers. On protest, the petitioners caught hold her hair lock and pushed her to the ground and thereafter assaulted her by fists and feet. Petitioners also took Rs. 25,000/- government money from the box kept in the aforesaid Branch and also snatched away golden chain from her neck. On hulla, villagers assembled there and saved the informant.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Cognizance has been taken for the offences under Sections 354, 504 and 506/34 of the IPC. The case has been found to be false under Section 379 of the IPC. The petitioners and others used to object illegal acts which have been committed by the concerned authority. Hence, in retaliation to that, the present case has been instituted.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners above named, in the event



of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned J.M. Ist Class, Banka, in connection with Chandan P.S. Case No. 138 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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