

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21406 of 2020

Arising Out of P.S. Case No.-272 Year-2019 Thana-Bihia District-Bhojpur

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Phanindra Nath Pandey, son of Sri Ram Byash Pandey, resident of Mohalla
Mathin Road Bihia, P.S. Bihia, District Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar
For the Opposite Party : Mr. R.B. Roy ‘Raman’

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bihia P.S. Case No. 272 of 2019, disclosing the offence punishable under Sections 457, 380, 406, 420, 427, 506/34 of the Indian Penal Code.

The informant of the case claims to be a teacher in B.D. College, Bihia. He has alleged in the FIR that on 17.07.2019, when he reached the college, he found that the locks on the main entrance gate were broken and same was the situation with the gate of the administrative block. He found the petitioner and other co-accused persons present inside the campus of the college. Allegedly, the petitioner threatened the



informant of dire consequences. It is also alleged that it was out of fear that the informant fled away from the campus of the college, whereafter the persons named in the FIR including this petitioner took away several articles of the college. There is allegation of permitting illegal admission and registration of the students for wrongful monetary gain.

Learned counsel appearing on behalf of the petitioner has submitted that he is Incharge Principal of the degree section of the said college, whereas allegation of illegal admission and registration made in the FIR relates to Intermediate course. He has argued that in similar circumstance, co-accused Nand Kishore Singh has been allowed anticipatory bail by this Court by an order dated 28.02.2020, passed in Cr. Misc. No. 2852 of 2020.

On perusal of the FIR, I am of the, *prima facie*, view that lodging of the FIR is an outcome of dispute over management of the college. Since another co-accused person has been allowed anticipatory bail, I find no reason why the same privilege should not be given to this petitioner. This application is accordingly allowed.

Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below,



be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in Bihia P.S. Case No. 272 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be



treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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