

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28519 of 2020**

Arising Out of PS. Case No.-140 Year-2019 Thana- TRIVENIGANJ District- Supaul

Bijendra Kumar Mandal @ Birendra Kumar Mandal, Son of Sohan Lal Mandal, Resident of Village- Laxmipur (Ward no-2), P.S.- Raghapur, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Advocate

For the Opposite Party/s : Ms. Meena Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-12-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Meena Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Tribeniganj P.S. Case No. 140 of 2019 registered for the offences punishable under Sections 341, 323, 406, 420, 504, 506,34 of the Indian Penal Code.

As per the prosecution case as alleged in the First Information Report the petitioner and the informant both had a partnership business in which the informant claims to have invested some money and according to him when the settlement



of the Balu Ghat was rescinded, the petitioner promised to pay some amount to the informant but then the petitioner has not paid him the entire amount and it is the case of the informant that when he demanded his profit in business the petitioner denied the same and gave him 2-3 slaps and abused him. It is submitted that the petitioner has no criminal antecedent and he has been falsely implicated in this case.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it appears that the petitioner and the informant both had a partnership business in which the informant claims to have invested some money and according to him when the settlement of the Balu Ghat was rescinded he was promised to pay some amount by the petitioner but then the petitioner has not paid him the entire amount and it is the case of the informant that when he demanded his profit in business the petitioner denied the same and gave him 2-3 slaps and abused him, in the nature of the dispute and the kind of materials noticed and recorded in the impugned order of the learned Additional District and Sessions Judge 1st, Supaul, this Court is inclined to grant privilege of anticipatory bail to the petitioner,



let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Supaul in connection with Tribeniganj P.S. Case No. 140 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

