

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11668 of 2020

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

1. BITTU KUMAR @ BITOO S/O Suresh Mandal R/o Village Hingna, P.S. Raniganj, District - Araria.
2. Ajay Kumar Sharma @ Ajay Kumar S/o Visheshwar Sharma R/o Village Hingna, P.S. Raniganj, District - Araria.
3. Avinash Kumar @ Avinash Kumar Abhinav S/o Akhilesh Kumar @ Akhilesh Mandal R/o Village Hingna, P.S. Raniganj, District - Araria.
4. Anant Kumar @ Aman Kumar Gaurav S/o Awadhesh Mandal @ Awadhesh Kumar Mandal R/o Village Shankarpur Dhamdaha, P.S. Simraha, District - Araria.
5. Golu @ Utsav @ Utsav Kumar S/o Dinesh Kumar @ Dinesh Mandal R/o Village Hingna, P.S. Raniganj, District - Araria.
6. Munna Kumar S/o Mahesh Lal Mandal @ Mahesh prasad mandal R/o Village Aurahi Chauri Tola, P.S. Forbesganj (Simraha O.P.), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-08-2021 Heard Mr. Arjun Prasad, learned Advocate for the petitioners and Mr. Yogendra Kumar, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Forbesganj (Simraha O.P.) P.S. Case No. 989 of 2019 dated 15.10.2019 instituted for the offences under Sections 341, 353, 225(B) and 34 of the Indian Penal Code.

The FIR has been registered by an Assistant



Sub-Inspector of police alleging that on 09.10.2019, he received a secret information that some criminals are hiding in the house of one Jagdeo Mandal. On such information, the house of Jagdeo Mandal was surrounded and the petitioners and others were taken out from the house. This was at the instance of the husband of the local Mukhiya. While the petitioners and others were being taken to police station on the police vehicle, Jagdeo Mandal and Munna Mandal came and managed to let the petitioners escape the custody of the police.

Learned counsel for the petitioners has submitted that an absolutely false case has been lodged against them because of the local Mukhiya being inimically disposed towards Jagdeo Mandal. Some of the petitioners are related to Jagdeo Mandal. Apart from one of the accused persons viz. petitioner no. 5, who has been made accused in another case on the same day when the subject FIR was lodged, no other accused person/petitioner has any criminal background.

It has also been submitted that the FIR has been lodged after a delay of nine days, without any explanation. Aforesaid Jagdeo Mandal has also filed a case against the local Mukhiya and the petitioners appear to have been made accused in this case in the



cross litigation between aforesaid Jagdeo Mandal and the Mukhiya. The accusation against the petitioners of hiding in the house of Jagdeo Mandal is not at all correct. Even if it were true, the petitioners are related to aforesaid Jagdeo Mandal.

Jagdeo Mandal has been granted anticipatory bail by a Bench of this Court.

Regard being had to all the above noted facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha O.P.) P.S. Case No. 989 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

krishna/-

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

