

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31223 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- DHAMDAHA District- Purnia

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PARMANAND MANDAL @ PARSHURAM MANDAL @ PARMANAND
KUMAR MANDAL Son of Makuni Mandal Resident of Village-
Sudamanagar Bhawanipur, P.S.-Bhawanipur, District-Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate
Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-03-2021 Learned Senior Counsel for the petitioner undertakes

to remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and

Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Dhamdaha P.S. Case No. 41 of 2020

registered for the offence under Sections 147, 148, 149, 341,

323, 386, 387, 452 and 120(B) of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits

that as per the prosecution story, the informant was being

threatened by the accused persons for entering into agreement

in respect of his land and in that course he was intercepted on



way by pointing pistol by co-accused Bittu Singh and Lalo Paswan snatched the key of motorcycle. It is further alleged that the accused persons including this petitioner and 2-3 unknown persons arrived at the house of the informant and threatened the informant to abide by them.

Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been implicated due to previous land dispute with the co-sharer of the informant. It is a case of purely civil nature and no criminal case is made out. It is further submitted that the petitioner is an accused in one more case in which he is on bail.

Mr. Akhileshwar Dayal, 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 this Court has noticed from the allegations made in the First Information Report that the thrust of the allegations are against the co-accused Bittu Singh and Lalo Paswan, so far as this petitioner is concerned, learned Senior Counsel for the petitioner submits that the petitioner has purchased a piece of land from the own uncle of the informant which would be evident from the copy of the sale deed available on the record



and further that the litigations are going on between the informant and his uncle in respect of the land in question, the copy of the orders passed by the court of learned Additional Collector, Purnea in Jamabandi Cancellation Case No. 103/2016-2017 has also been brought on record to submit that it is a case of purely civil nature which has been tried to be converted into a criminal case, so far as one case on the head of the petitioner is concerned it is submitted that the petitioner is on bail in the said case, in the given circumstance, let the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Dhamdaha P.S. Case No. 41 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, subject to the conditions 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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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'.

