

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31257 of 2020

Arising Out of PS. Case No.-923 Year-2019 Thana- FORBESGANJ District- Araria

1. MITHILESH MANDAL S/o Banarsi Mandal Resident of Village-Taratol, Thila Mohan, P.S.-Simraha, District-Araria
2. Santosh Mandal S/o Banarsi Mandal Resident of Village-Taratol, Thila Mohan, P.S.-Simraha, District-Araria
3. Maheshwar Mandal @ Maheshar Mandal S/o Hari Prasad Mandal Resident of Village-Thila Mohan, P.S.-Simraha, District-Araria.
4. Anmol Mandal @ Anmoh Mandal S/o Maheshar Mandal @ Maheshwar Mandal @ Mahesh Mandal Resident of Village-Thila Mohan, P.S.-Simraha, District-Araria.
5. Rahul Bhagat S/o Bishwanath Bhagat Resident of Village-Jagir Halhalia, P.S.-Simraha, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Adv
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-04-2021 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 325, 447, 188, 186, 290, 353, 338, 307, 332 and 504 of the Indian Penal Code.

The prosecution case is that 49 named accused persons and 500 unknown persons obstructed the police force in discharging their official duty when the police party had arrived in the village for arrest of two persons, namely, Md. Rizwan and



Md. Enamul, for the charge of theft of child. It has further been alleged that all the accused persons demanded that the miscreants, who are said to be child lifters, should be handed over to them.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as from perusal of the First Information Report, it would be evident that altogether 49 persons have been named in the First Information Report along with 500 unknown persons. He further submits that the allegation against the petitioners are general and omnibus in nature and similarly situated co-accused persons have been granted anticipatory bail by co-ordinate benches of this Court vide orders dated 09.07.2020, 07.10.2020, 04.11.202 and 17.12.2020 passed in Criminal Miscellaneous No. 2387 of 2020, Criminal Miscellaneous No. 12761 of 2020, Criminal Miscellaneous No. 24874 of 2020, Criminal Miscellaneous No. 25521 of 2020 and Criminal Miscellaneous No. 30331 of 2020.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today upon furnishing



bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Forbesganj (Simraha) P.S. Case No. 923 of 2019**, subject to the conditions laid down under Section 438(2) of the Cr.P.C, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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