

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35587 of 2020

Arising Out of PS. Case No.-245 Year-2020 Thana- DIGHA District- Patna

Shankar Mandal @ Shankar Kumar @ Mantu, aged about 40 years (Male),
Son of Late Ram Khelawan Mandal, R/o Mohalla- Adampur Khagaul, P.S.-
Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
For the State : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sanjay Kumar Mishra, learned counsel for the petitioner and Mr. Satya Nand Shukla, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Digha PS Case No. 245 of 2020 dated 01.05.2020, instituted under Sections 188/268/268/270/341/307/504/506 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioner is that he, along with others, was trying to vandalise the gate on the plot of the



informant and that of firing and hurling abuse, all being general and omnibus in nature.

5. Learned counsel for the petitioner submitted that as far as he is concerned, the allegation is totally false and fabricated and in fact it is the informant who is the aggressor and also has committed offence. It was submitted that the plot in question which has been described in the FIR has been bought by the petitioner through registered sale deed on 31.01.2006 from the genuine owner and since then he is in possession and, thus, there was no occasion for the informant to go to the site and also there cannot be any allegation if the petitioner is dealing with his own land in whatever manner he desires. It was submitted that the informant has very cleverly not disclosed the name of the person from whom he has got agreement for sale and whether that person is the rightful owner and, in fact, the informant is a land grabber and has tried to file this criminal case in order to coerce the petitioner into giving the land in question to the informant.

6. Learned APP submitted that there is allegation against the petitioner of firing and abuse. However, it was not controverted that the allegation is general and omnibus without there being any injury caused to any side. Further, in view of the



registered sale deed, copy of which has been brought on record by way of Annexure-2 to the present application, learned APP fairly submitted that the allegation raises serious doubts about its authenticity.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Patna in Digha PS Case No. 245 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



9. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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