

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16175 of 2021

Arising Out of PS. Case No.-3398 Year-2014 Thana- COMPLAINT CASE District- Araria

PHUL KUMAR MANDAL @ FULKUMAR MANDAL Son of Late Basdev
Mandal Resident of Village - Hirdyapur, Ward No.7, P.S.- Araria, Distt.-
Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Prabhawati Devi W/o Harishchandra Chauhan Resident of Village -
Chauhan Tola, Ward No.7, P.S.- Araria, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 323, 379 and 420 of the Indian Penal
Code.



The prosecution allegation, in short, is that in a dispute over measuring of land, the accused persons including the petitioner stopped the complainant from ploughing the field and snatched the sale deed and revenue receipts from him.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The present case has been instituted on the basis of a complaint case. From perusal of the complaint case, it appears that there is admitted land dispute between the parties. The matter relates to civil dispute.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.



Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of learned S.D.J.M., Araria in connection with Complaint Case No. 3398C of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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