

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9237 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- JOGBANI District- Araria

Abhishek Mandal @ Bablu Mandal @ Abhishek Kumar Son Of Laldeo
Mandal R/O Village- Bhatiyahi (Bathnaha), P.S.- Jogbani, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr.Shantanu Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-06-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioners and the
learned APP for the State.

Petitioners seek regular bail in connection with
Jogbani (Bathnaha) P.S. case no. 221 of 2021 registered for the
offences punishable under Sections 341, 323, 324, 386, 447,
353, 506/34 of the Indian Penal Code.

Allegedly this petitioner and some co-accused persons
assaulted the informant who is stated to be a contractor, and
made an extortion demand from the informant and also
damaged his innova car.

The main submissions advanced by learned counsel
for the petitioners are that the alleged offence of 386 of IPC is
not make out in this case as no money transaction is alleged to



have been made in following with the alleged extortion demand, this petitioner is alleged to have assaulted the informant but on the person of informant only simple injury has been found, in fact the reason behind the occurrence was that the informant, who is a contractor, was removing soil from the lands of some persons in illegal manner which was being objected by several persons including the petitioner due to which the present case was falsely fabricated. Further submission is that there is criminal antecedent of three cases against the petitioner and he is on bail in two cases and the third case was lodged in connection with the alleged occurrence of the present case by manager of the informant.

Learned APP has opposed the prayer for bail.

In view of the above submissions and considering the petitioner's custody period and also the fact that the investigation has been completed in respect of petitioner and there is no allegation of delivery of any property or money in following with the alleged extortion demand, a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Jogbani P.S.



case No. 221 of 2021 on the following conditions:-

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

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

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

siddharthkr/-

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

