

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9638 of 2022

Arising Out of PS. Case No.-220 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/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. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jogbani
(Bathnaha) P.S. Case No. 220/2021 registered for the offences
punishable under Sections 341, 323, 324, 379, 307, 386, 504,
506/34 of the Indian Penal Code.

As per prosecution case, the informant was doing soil
dumping work for last six months as per work order for which
the petitioner alongwith co-accused, Laxman Mandal were
continuously giving threat and creating hindrance in soil
dumping work and putting illegal extortion demand of Rs. 2



lacs, otherwise to face bad consequences and on alleged date i.e. on 21.09.2021, the informant got call on his mobile to stop the soil dumping work of NH 57A and on 22.09.2021 when the informant Haiwa truck loaded with soil was going towards the site of work, the petitioner and co-accused, Laxman Mandal and other 2-3 persons stopped the Haiwa truck of the informant for which when the driver objection then the accused persons snatched Rs.9000/- from the truck driver and also committed assault with the driver, who later on informed the informant and then the informant came on the spot and made objection with the accused persons for creating hindrance in N.H. soil dumping work. It is further alleged that the petitioner showing fire arm has given threatening and further snatched Rs. 35,000/- from the possession of the informant and gave threatening to stop the soil dumping work by giving threat of life otherwise to pay rangdar demand. The informant gave information about the incident to his company and then proceeded to referral hospital for treatment of injuries inflicted by the petitioner by the butt of his pistol.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 23.09.2021



and bears criminal antecedent of three cases in which he is on bail of first two cases as mentioned in para 3 of the bail petition. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

Learned counsel for the petitioner further submits that the Project Manager, Ashish Tiwari has also filed Jogbani (Bathnaha) P.S. Case No. 221/2021 against the petitioner for the same offence. In this way, there is personal enmity between the informant and the present petitioner which cannot be denied out-rightly.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **if trial is preferably not concluded within nine months from the date of receipt of the order** on furnishing bail bond of Rs. 10,000/- Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Araria in connection with Jogbani (Bathnaha) P.S. Case No. 220/2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

amitkumar/-

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

