

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39234 of 2022

Arising Out of PS. Case No.-635 Year-2018 Thana- KAHALGAON District- Bhagalpur

SATYA NARAYAN MANDAL Son of Late Durgee Mandal Resident of
Village - Tale Tola Khutahri, P.S.- Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 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 Kahalgaon
P.S. Case No. 635 of 2018 registered for the offences punishable
under Sections 188, 283, 353 and 34 of the I.P.C. and Section 174 of
the Indian Railways Act, 1989.

As per prosecution case, people of Gopalpur and
Kushapur blocked the M.G.R due to which supply of coal in
N.T.P.C became stopped and it is further alleged that production of
energy became disturbed. It is also alleged the people of said village
again blocked the MGR and tried to damage the property of NTPC
for which the FIR was lodged.

Learned counsel for the petitioner submits that



petitioner is in custody since 13.05.2022 and bears criminal antecedent of one case which is lodged by same informant. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and falsely implicated in the case on the basis of suspicion. Petitioner is Mandal President of Hind Majdoor Kisan Panchayat, N.T.P.C Branch, Kahalgaon and petitioner and his union is fighting alongwith local person for their grievance since 1990 and on uncounted occasion petitioner and others had participated in negotiation with Management and local administration and Higher Officials of N.T.P.C Management Kahalgaon. The counsel of petitioner further submits that name of petitioner has been surfaced upon the re-statement of the informant on mobile phone on 29.04.2020, more than one and a half year of the occurrence which is at belated stage as petitioner has raised the grievance of common man and so he has been falsely implicated in the case. He further submits that no offence under Section 188, 283, 353/34 of the IPC and Section 174 of the Indian Railway Act is made out against the petitioner in the facts given in the FIR.

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 been submitted in the case and there is no likelihood of tampering with the prosecution evidence,



argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 635 of 2018, 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 without appropriate permission, 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)

vashudha/-

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