

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6173 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- HASANGANJ District- Katihar

1. Ashish Kumar Mandal S/o Shankar Lal Mandal R/o - Haripur, Mahmadia, P.S.- Hasanganj, Distt- Katihar.
2. Prem Kumar Sah S/o Late Anandi Sah R/o - Baigna, Colony No.-1, P.S. Katihar Town, Distt- Katihar.
3. Parmanand Jha S/o Late Ramchandra Jha R/o – Bharidih, P.S.- Hasanganj, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Advocate
For the State	:	Mr.Md. Aslam Ansari, APP
For the informant	:	Mr.Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-05-2023 At the outset, the learned counsel for the petitioners submits that the petitioner no.1 has been arrested during the interregnum period, hence the present petition qua the petitioner no.1 has been rendered infructuous.

Accordingly, the present petition qua the petitioner no.1 stands dismissed as not pressed.

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

This is an application for grant of anticipatory bail in connection with Hasanganj P.S.



Case No.109 of 2022, registered for offences under Sections 147, 148, 323, 420, 120(B), 504 and 506 of the IPC.

The allegation is regarding the accused persons, including the petitioners herein, variously armed, having abused and assaulted the informant and his family members, whereafter they had threatened them to vacate the land in question and flee away. It is further alleged that some of the co-accused persons alongwith the petitioners have prepared a forged lease deed, pertaining to the land of the informant and on the basis of the same, they are trying to dispossess the informant.

The learned counsel for petitioners no. 2 and 3 has submitted that the petitioners no.2 and 3 are innocent and they have been falsely implicated in the present case. It is further submitted that though the petitioner no.3 is having a clean antecedent, however, the petitioner no.2 is accused in one another case but he is on bail in the said case. Lastly, it is submitted that a general and omnibus allegation has been levelled



against the petitioners no.2 and 3 and there is no injury report on record to suggest the complicity of petitioners no.2 and 3 in the alleged occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners no.2 and 3 and there is no injury report on record to suggest the complicity of the petitioners no.2 and 3 in the alleged occurrence, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners no.2 and 3 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of six weeks from the date of receipt/production of



a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar, in connection with Hasanganj P.S. Case No.109 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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