

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56371 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- AMARPUR District- Banka

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SANJAY MANDAL S/O DHORO MANDAL RESIDENT OF VILLAGE-
GOURIPUR, POLICE STATION- AMARPUR, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Balram Kapri,Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection with Amarpur P.S. Case No. 302 of 2021 for the offence registered under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution story, allegation is that the petitioner along with other accused persons came and forcibly tried to snatch his mobile and upon protest, assaulted. Thus, the FIR was lodged.

Learned counsel for the petitioner submits that omnibus allegation is against all the accused persons of assault and of snatching of the mobile and in that backdrop as also the fact that he do not have criminal antecedent, he deserves relief.



The further submission is that irrespective of outcome of the present petition, he would like to extended medical assistance of Rs. 5,000/- each totalling of Rs. 10,000/- to Rahul Kumar Singh and Ramesh Kumar Singh through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the injured persons named above after checking their credentials. The further submission is that he would abide by all the terms and conditions if, granted relief.

Learned APP for the State opposes the prayer for bail and stating that as per the FIR, they indulged in criminal activities and are threat to the society and as such, he do not deserve bail.

Taking into account the fact that the petitioner do not have criminal antecedent, the allegation is omnibus in nature, the injuries have been found to be simple in nature, would be cooperating in the investigation and appearing diligently in the trial, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 10,000/- (Rs. 5000/- each) to the injureds as stated above.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarapur P.S. Case No. 302 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further condition:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) he shall present himself before the police as and when required during investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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