

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81764 of 2023

Arising Out of PS. Case No.-590 Year-2020 Thana- SUPAUL District- Supaul

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1. SHRI PRASAD MANDAL @ SHIV PRASAD MANDAL Son of Late Yogi Mandal R/o Laoudh Tola, Belahi, P.S. and Distt. - Supaul
 2. YUGESHWAR MANDAL Son of Late Yogi Mandal R/o Laoudh Tola, Belahi, P.S. and Distt. - Supaul
 3. UPENDRA MANDAL S/o LATE YOGI MANDAL R/o Laoudh Tola, Belahi, P.S. and Distt. - Supaul
 4. SANJAY MANDAL S/o YUGESHWAR MANDAL R/o Laoudh Tola, Belahi, P.S. and Distt. - Supaul
 5. SHAIENDRA MANDAL @ SHAIENDRA KUMAR S/o ANIRUDDH MANDAL R/o Pathra, P.S. - Pipra and Distt. - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2024 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 447, 379, 385, 504, 34 of the Indian Penal Code.

3. Allegedly, the petitioners went to the land of the informant and started cutting the *Sheesham* trees. When the informant protested, the petitioner no.5 asked him to pay extortion amount or else he would be cutting away the trees. He also threatened him of dire consequences.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is fairly submitted by the learned counsel for the petitioners that there is a specific allegation against the petitioner no.5 to demand extortion money from the informant and on the rest of the petitioners there is no specific overt act against them. Petitioner nos.1 and 2 have one criminal antecedent whereas the petitioner nos.3, 4 and 5 have no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.5 to demand extortion money from the informant.

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.5 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, as there is no specific overt act against the petitioner nos.1, 2, 3 and 4, let the above named petitioner



nos.1, 2, 3 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Supaul P.S. Case No.590 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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