

(2021) 03 PAT CK 0107

Patna High Court

Case No: Criminal Miscellaneous No. 31971 Of 2020

Sushil Mandal

APPELLANT

Vs

State Of Bihar

RESPONDENT

---

**Date of Decision:** March 12, 2021**Acts Referred:**

- Indian Penal Code, 1860 - Section 147, 148, 149, 307, 323, 324, 325, 337, 338, 341, 342, 379, 504
- Code Of Criminal Procedure, 1973 - Section 438(2)

**Hon'ble Judges:** Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Gopal Kumar Jha, Raj Kishore Singh**Final Decision:** Disposed Of

---

**Judgement**

1. Heard Mr. Gopal Kumar Jha, learned counsel for the petitioner and Mr. Raj Kishore Singh, learned Additional Public Prosecutor (hereinafter

referred to as the "APP" for the State.

2. The petitioner apprehends arrest in connection with Forbesganj PS Case No. 924 of 2019 dated 23.09.2019, instituted under Sections 147, 148, 149,

341, 342, 323, 324, 325, 307, 337, 338, 379, 504 of the Indian Penal Code.

3. The FIR, which is against 5000-7000 unknown persons and 51 named persons, including the petitioner, is of forming unlawful assembly and

attacking the police when they arrived to save some persons, whom the mob wanted to lynch on the suspicion that they were child lifters.

4. Learned counsel for the petitioner submitted that some persons were caught by the villagers on the suspicion of being child lifters and a crowd has

gathered and due to mala fide reason, the police have implicated him. It was submitted that for the same offence the persons, who were detained, have also filed FIR and besides the present and the other case, there is no other case against the petitioner. Learned counsel submitted that 34 similarly situated named co-accused have been granted anticipatory bail by various co-ordinate Benches.

5. Learned APP submitted that the petitioner was part of an unlawful assembly.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within four weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the CJM, Araria, in Forbesganj PS Case No.924 of 2019, subject to the

conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the

petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also

give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the

evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail

bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two

consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

8. The application stands disposed off in the aforementioned terms.