

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53747 of 2018

Arising Out of PS. Case No.-375 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Jai Kishor Mandal, Son of Roop Narayan Mandal
 2. Ashish Kumar, Son of Jai Kishor Mandal
 3. Ganesh Kumar, Son of Jai Kishor Mandal
 4. Kartik Kumar, Son of Jai Kishor Mandal
 5. Shila Devi, Wife of Jai Kishor Mandal
- All resident of Mohalla- R.K. Lane, Jogsar, P.S.- Jogsar,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Manoj Kumar Jha
For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 10-09-2018 Heard Sri Manoj Kumar Jha, learned counsel for the
petitioners. None appeared on behalf of the State.

Five petitioners, apprehending their arrest in
connection with Kotwali P.S. Case No. 375 of 2018 , G.R. No.
2801 of 2018, registered for the offence under Sections 147,
149, 341, 323, 354 (B), 379, 448, 427, 504 & 506 of the Indian
Penal Code, 1860, have prayed for grant bail in the event of
their arrest or surrender.

Learned counsel for the petitioners tried to persuade
the court that due to land dispute false case has been instituted.
He further submits that prior to filing of the present F.I.R. from



petitioners' side also two cases were lodged and on false accusation present case has been lodged.

Besides hearing, I have perused the materials available on record and after going through the accusation, I am of the opinion that it is not a case for grant of anticipatory bail particularly in respect of petitioner nos. 1 to 4. So far petitioner no. 5 is concerned, considering the nature of accusation as well as the fact that she is lady, in the event of her arrest or surrender within a period of six weeks from today, let petitioner no. 5 / Shila Devi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur / concerned court in connection with Kotwali P.S. Case No. 375 of 2018 corresponding to G.R. No. 2801 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

It is clarified that prayer for grant of anticipatory bail in respect of petitioner nos. 1 to 4 has not been entertained and it stands rejected with observation that if within a period of six weeks from today, they appear before the court below and pray for regular bail, the learned court below without being



prejudiced with this order may examine the same and pass appropriate order in accordance with law preferably on the same day.

It is further clarified that since this court was not inclined to grant anticipatory bail, it does not mean that same principle will apply while while considering the prayer for regular bail.

(Rakesh Kumar, J)

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