

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35145 of 2019**

Arising Out of PS. Case No.-218 Year-2016 Thana- BAJPATTI District-
Sitamarhi

- =====
1. RAM PUJAN MANDAL Son of Biltu Mandal Resident of Village - Chakmahmadpur, P.S.- Bajpatti, Dist.- Sitamarhi.
 2. Ram Jivan Mandal @ Ramji Mandal Son of Biltu Mandal Resident of Village - Chakmahmadpur, P.S.- Bajpatti, Dist.- Sitamarhi.
 3. Lalan Mandal Son of Bhola Mandal Resident of Village - Chakmahmadpur, P.S.- Bajpatti, Dist.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party: Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 06-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 324, 354, 379, 504, 506 of the Indian Penal Code and 3 and 4 of the Witch Craft Act. registered in connection with Bajpatti P.S. Case No. 218 of 2016.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of village politics. It is submitted that the accusation against the petitioner nos. 1 and 2 is of assault on the head of the informant with iron rod, however the injuries are



simple in nature. The petitioner no. 2 is alleged to have misbehaved with the wife of the informant while petitioner no. 3 is said to have taken away Rs. 5,000/- kept on the bed. The petitioners claim clean antecedents.

4. Learned APP on the other hand submits that there is specific accusation attracting the ingredients of Section 354 IPC attributed to the petitioner no. 2.

5. Having regard to the nature of accusations, gravity of the offence alleged under Section 354 IPC against petitioner no.2, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. the anticipatory bail petition of petitioner no. 2 stands dismissed.

6. As regards petitioner nos. 1 and 3, other co-accused has been granted anticipatory bail by this court in Cr. Misc. No. 28144 of 2018, in the event of the petitioner nos. 1 and 3's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above petitioners namely Ram Pujan Mandal and Lalan Mandal be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Bajpatti P.S. Case No. 218 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -



(i) That one of the bailors shall be a close relative of the petitioner nos. 1 and 3.

(ii) That the petitioner nos. 1 and 3 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner nos. 1 and 3 shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner nos. 1 and 3 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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