

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5854 of 2020**

Arising Out of PS. Case No.-199 Year-2019 Thana- AMDABAD District- Katihar

1. NITAI MANDAL @ NITYA NAND MANDAL Son of Late Gainu Mandal Resident of Village-Chama, P.S.-Amdabad, District-Katihar.
2. Sugon Mandal Son of Sri Nitain Mandal @ Nitya Nand Mandal Resident of Village-Chama, P.S.-Amdabad, District-Katihar.
3. Baltu Mandal Son of Nitain Mandal @ Nitya Nand Mandal Resident of Village-Chama, P.S.-Amdabad, District-Katihar.
4. Nandan @ Nandi Mandal Son of Sri Nitain Mandal @ Nitya Nand Mandal Resident of Village-Chama, P.S.-Amdabad, District-Katihar.
5. Ramesh Mandal Son of Late Gainu Mandal Resident of Village-Chama, P.S.-Amdabad, District-Katihar.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Jalendra Mandal Son of Lomu Mandal Resident of Village-Chama, P.S.-Amdabad, District-Katihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pravin Chandra Prasad, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP Incharge

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 28-08-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. Incharge in absence of Sri Satyendra Narain Singh, learned A.P.P. for the State.

Petitioners, in the present case, is seeking pre-arrest bail in connection with Amdabad P.S. Case No. 199 of 2019 (G.R. No. 5246 of 2019) registered for the offence under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there



is case and counter case. Annexure '2' is the case lodged from the petitioners' side. It is further submitted that according to the First Information Report it is the co-accused Kundan Kumar Mandal who is said to have assaulted the informant by a knife on his head which has been found grievous in nature.

Learned counsel submits that the case is one of false and over implication. Both the parties are co-sharers and in the given facts and circumstances so far as these petitioners are concerned there are only general and omnibus allegations against them of assaulting the informant by Lathi but the injury report as contained in paragraph '18' of the case diary does not support the allegations against the present petitioners. They have otherwise no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case that both the parties seems to have entered into a scuffle for which there is a case and counter case and then the thrust of the allegations are against the co-accused Kundan Kumar Mandal who is not before this Court and it is his injury which has been shown grievous in nature in paragraph '31' of the case diary, the petitioners have otherwise no criminal antecedent, let the petitioners above-named, in the event of their



arrest or surrender within a period of four weeks from today, in connection with Amdabad P.S. Case No. 199 of 2019 (G.R. No. 5246 of 2019) be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Katihar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

