

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18820 of 2020**

Arising Out of PS. Case No.-165 Year-2019 Thana- PIRPAINTI District- Bhagalpur

1. PRABHUDAYAL MANDAL Son of Late Jira Mandal Resident of Village - Bakharpur, P.S.- Bakharpur, District - Bhagalpur
2. Kamlesh Kumar Son of Prabhudayal Mandal Resident of Village - Bakharpur, P.S.- Bakharpur, District - Bhagalpur
3. Akhilesh Kumar Son of Prabhudayal Mandal Resident of Village - Bakharpur, P.S.- Bakharpur, District - Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das, Advocate
For the Opposite Party/s : Mr.

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

2 10-09-2020 At the outset learned counsel for the petitioners submits that so far as petitioner no. 1 namely, Prabhudayal Mandal is concerned, he has already been arrested, hence this application on his behalf has become infructuous.

As prayed, let the name of petitioner no. 1 be expunged and this application be treated to have become infructuous as against petitioner no. 1.

Heard learned counsel for the petitioners. No one appears on behalf of the State.

Petitioner no. 2 & 3, in the present case, are seeking pre-arrest bail in connection with Pirpainti (Bakharpur) P.S.



Case No. 165/2019 registered for the offence under Sections 147, 148, 323, 324, 354, 307, 380, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that in the First Information Report the informant who is a co-villager of these petitioners alleged that altogether 10 persons came to the informant's house, they surrounded the informant and his family and threatened them to kill, whereupon when they objected, the co-accused Prabhudayal Mandal ordered to kill. Co-accused Dinesh Mandal (not petitioner) assaulted the informant by Butt of the country made gun on his head causing injury. Thereafter it is alleged that when some persons came to save the informant the co-accused Jangli Mandal assaulted Raj Kishore Mandal and Vinay Mandal assaulted on head by a sharp edged Garasa causing injury to him. Ranjit Mandal assaulted on the hand causing injury on the finger and thereafter it is alleged that the other accused also assaulted.

Learned counsel for the petitioners submits that so far as petitioner no. 2 & 3 are concerned, there is no specific allegation of assault against them, they are co-villagers and have been falsely implicated in this case which is evident from the medical examination report which has been mentioned by the



learned court below in the impugned order saying that all the injuries have been found simple in nature. There is no allegation that these petitioners had caused any injury.

Neither Md. Iftexhar Mahmood learned A.P.P. for the State nor Mr. Akhileshwar Dayal, learned A.P.P. Incharge is present to oppose the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein there is no specific allegation against the petitioner no. 2 & 3 and they have no criminal antecedent, let the petitioner no. 2 & 3 above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Assistant Chief Judicial Magistrate XI, Bhagalpur, in connection with Pirpanti (Bakharpur) P.S. Case No. 165/2019, 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)

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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'.

