

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25994 of 2020**

Arising Out of PS. Case No.-237 Year-2019 Thana- TRIVENIGANJ District- Supaul

1. HARERAM MANDAL S/o Jholtan Mandal Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
2. Saryug Yadav S/o Late Tilleshwar Yadav Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
3. Shivchandra Yadav S/o Saryug Yadav Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
4. Jaynandan Yadav S/o Late Birbar Yadav Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
5. Ranjit Yadav S/o Late Laxmi Yadav Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
6. Laxman Yadav S/o Late Dukha Yadav Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
7. Ranvir Yadav S/o Late Laxmi Yadav Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
8. Jhotan Mandal S/o Late Janak Mandal Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
9. Santosh Yadav S/o Shiv Dayal Yadav Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.
10. Hari @ Hari Lal Mandal @ Hari Mandal S/o Late Budhu Mandal Resident of Village-Dumariya Kothi, Ward No.5, P.S.-Triveniganj, District-Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Pradip Narayan Kumar, APP

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

2 16-10-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

At the outset, Mr. Pramod Mishra, learned counsel for



the petitioners has informed this court that during pendency of this application petitioner nos. 6, 8 and 9 have been arrested and therefore this application on their behalf has become infructuous.

Let this application in so far as it relates to petitioner no. 6, 8 and 9 be treated as not pressed.

Learned counsel further submits that the father's name of petitioner no. 1 has been inadvertently typed as Jholtan Mandal instead of Jhotan Mandal. He is looking for that typographical error. This court permits the same.

Heard learned counsel for the petitioner and Mr. Pradip Narayan Kumar, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Triveniganj P.S. Case No. 237/2019 registered for the offences punishable under Sections 356, 379, 147, 148, 149, 341, 323, 324, 307, 354(B), 436, 504 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners and the informant side are own gotias they are also next door neighbours and there is admitted land dispute between the parties. As per the first information report when the son of the informant was returning home on his motorcycle from



Dumariya Chowk, near the house of the informant three accused namely Santosh Yadav, Mantu Kumar and Navin Kumar stopped him and by placing pistol on his head they asked him to come down from the vehicle failing which he would be killed. It is alleged that they snatched the key of the motorcycle and while assaulting him fled away with the vehicle and the mobile. The vehicle number, engine number and chassis number have been provided in the FIR.

It is alleged that Sunil Kumar Bhagat @ Binod Bhagat had come Dumariya about 3 -4 days back and he had got assembled the persons named in the FIR for giving effect to the alleged occurrence. From the FIR it appears that allegation of snatching away of the motorcycle had taken place on 15.08.2019.

In the FIR altogether 15 persons and 30-35 unnamed persons have been made accused. The specific allegation of assault is against co-accused Ashok Yadav who had assaulted the informant on her head by Iron rod. It is alleged that there was an another assault caused by Narayan Yadav. In the meantime, Jai Narayan Yadav attacked the informant but that attack went on the Ashok Yadav. It is alleged that Hareram Mandal (petitioner no. 1) caught hold of the hair of the



informant and after pulling her he indiscriminately assaulted and also took away some valuable articles which were kept in the Box.

The further allegations are against Jhotan Mandal and Binod Bhagat. Jhotan Mandal has already been arrested and Binod Bhagat is not before this Court. Thereafter the allegation is against co-accused Ranjit Yadav (petitioner no.5) and it is alleged that he assaulted Gulab Devi by butt of his three-nut and set her kitchen on fire. Co-accused Devendra Yadav who is not before this Court had tried to outrage the modesty of Sushila Devi.

Learned counsel submits that on the whole reading of the FIR there is no allegation against petitioner no. 2, 3, 4, 7 and 10. So far as petitioner no. 1 and 5 are concerned, though there are allegations against them but those are only false, fabricated and concocted story because of the prior enmity on account of land dispute.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. It is his submission that at least petitioner no. 1 and 5 have actively participated in the alleged occurrence and so far as other petitioner nos. 2, 3, 4, 7 and 10 are concerned, they are said to be the members of the



mob but there is no specific allegation against them.

Having regard to the facts and circumstances of the case and in the nature of the allegations made in the FIR considering the fact that both the parties are own gotias and there is an admitted land dispute, let the petitioner nos. 2, 3, 4, 7 and 10, in the event of their arrest or surrender within a period of four weeks from today, in connection with Triveniganj P.S. Case No. 237/2019 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 A.C.J.M. - 1 Supaul, 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.



And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

So far as petitioner no. 1 and 5 are concerned, since this court has noticed that they were not only the members of the mob but have also participated in the alleged occurrence, this court is not inclined to grant privilege of anticipatory bail to them.

Prayer for anticipatory bail of petitioner no. 1 and 5 is, thus, refused.

In case, petitioner no. 1 and 5 surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this 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'.

