

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28513 of 2020**

Arising Out of PS. Case No.-117 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

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1. Naresh Mandal, S/o Late Kusheshwar Mandal, R/o Village- Basawara, P.S.- Madhubani, District- Madhubani.
 2. Ajay Mandal, S/o Naresh Mandal, R/o Village- Basawara, P.S.- Madhubani, District- Madhubani.
 3. Buchchi Devi, Wife of Naresh Mandal, R/o Village- Basawara, P.S.- Madhubani, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Md. Aslam Ansari, Advocate
For the Informant	:	Ms. Kumari Subham, Advocate
For the Opposite Party/s	:	Ms. Meena Singh, A.P.P.

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

2 03-12-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and Ms. Meena Singh, learned A.P.P. for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Town P.S. Case No. 117 of 2020 CIR No. 718 of 2020 registered for the offences punishable under Sections 341, 323, 379, 307, 354B, 504, 506/34 of the Indian



Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged by the prosecution party. Learned counsel submits that in the First Information Report there is no specific allegation of assault against these petitioners. It is submitted that the alleged occurrence took place on 27.04.2020 whereas the F.I.R. was lodged on 02.05.2020 after delay of more than five days of the alleged occurrence and in the F.I.R. there is no explanation regarding delay in lodging the F.I.R.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein the specific allegation of assault on vital part of the body causing grievous injury is against Naresh Mandal (petitioner no. 1), this Court is not inclined to grant privilege of anticipatory bail to him. His prayer is, thus, refused.

So far as petitioner nos. 2 and 3 are concerned although there are allegations that the petitioner no. 2 had assaulted the husband of the informant on his shoulder but in course of argument learned counsel for the informant as well as learned A.P.P. for the State admit that no injury has been found



on the shoulder and then there is no specific allegation supported by any injury report against the petitioner no. 3.

In these circumstances, let the petitioner nos. 2 and 3 above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Town P.S. Case No. 117 of 2020, subject to the condition 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 petitioner nos. 2 and 3 and in case



at any stage it is found that the petitioner nos. 2 and 3 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 2 and 3.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

