

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18797 of 2021**

Arising Out of PS. Case No.-260 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Dulari Devi aged about 65 years W/O- Rameshwar Mandal R/V- Bhalpatti,
P.S.- Sadar, District- Darbhanga.
 2. Ashok Mandal aged about 28 years S/o- Rameshwar Mandal R/v- Bhalpatti,
P.S.- Sadar, District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ajay Kumar
For the Opposite Partys : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-07-2021 Heard learned counsel for the petitioners and the

State.

Petitioners seek bail in a case registered for the offence punishable under section and other ancillary section 420 and other allied sections of the Indian Penal Code.

As per the prosecution case, petitioner no.1 and co-accused Rameshwar Mandal had caught hold of informant's son, whereas other accused persons assaulted him with hammer. It is further alleged when one of his family members tried to protect the victim, petitioner no.2 and other accused persons



restrained him.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Specific allegation of assault is against co-accused Saroj Mandal. Petitioner no.1 is a 65 years old lady, and there is no allegation of assault against petitioner no.2. FIR has been lodged after delay of 11 days without explanation. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 22.8.2020.

Considering the rival submissions of the parties, materials available on the record and the fact that FIR has been lodged after delay of 11 days without explanation and there is no specific allegation of assault against them and they have got clean antecedent, let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Darbhanga in Sadar Police Station Case No. 260 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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