

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8671 of 2022

Arising Out of PS. Case No.-260 Year-2021 Thana- KAHALGAON District- Bhagalpur

1. MOTI MANDAL S/o- Babulal Mandal R/o- Village - Devari, Maheshpur, P.S.- Kahalgaon, Distt. - Bhagalpur.
2. Navind Mandal S/o- Babulal Mandal R/o- Village - Devari, Maheshpur, P.S.- Kahalgaon, Distt. - Bhagalpur.
3. Sanni Kumar S/o- Moti Mandal R/o- Village - Devari, Maheshpur, P.S.- Kahalgaon, Distt. - Bhagalpur.
4. Guddu Kumar S/o- Birendra Mandal R/o- Village - Devari, Maheshpur, P.S.- Kahalgaon, Distt. - Bhagalpur.
5. Sujit Kumar S/o- Birendra Mandal R/o- Village - Devari, Maheshpur, P.S.- Kahalgaon, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioners and

learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners, at the outset,
seeks permission to withdraw the present anticipatory bail
application with respect to petitioner no.1.

Permission is accorded.

The petitioner nos. 2, 3, 4 and 5 apprehend their
arrest in a case registered for the offences punishable under
Sections 147, 149 and 302 of the Indian Penal Code.



The informant alleges that on 16.04.2021 at about 10:00 pm, eleven named accused persons, including the petitioners, came and took out the father of the informant of his room and assaulted him leading to his death.

Learned counsel for the petitioners submits that the petitioner nos. 2 to 5 are persons with clean antecedent and have been falsely implicated in the present case and from bare perusal of the allegations as alleged in the F.I.R. it would manifest that the same is vague and does not inspire confidence. Learned counsel further submits that it absolutely does not stand to reason that when eleven accused persons came and pulled the father of the informant from his room and started assaulting him, what the informant was doing, why he did not made any endeavors to save him as the F.I.R. does not even remotely suggest that the informant or any of the family members on account of trying to save his father received injury, it is next submitted that father of the informant was 80 years old and he died his natural death. Learned counsel submits that even otherwise the allegations are general and omnibus in nature, further the petitioner nos. 3, 4 and 5 are young boys in the age group of 18-20 years. It is further submitted that son of petitioner no. 1, whose bail application



has been withdrawn, was killed by the informant for which Kahalgaon P.S. Case No. 612 of 2019 was instituted against the informant and his family members and this perhaps explains why such an F.I.R. came to be instituted with a vague allegation, it is next submitted that entire family members of the petitioners, including the women, were implicated by the informant in the present case in order to coerce the petitioners and his family members into submissions so that they do not pursue Kahalgaon P.S. Case No. 612 of 2019. Learned counsel next submits that the women members of the petitioners' family have been granted bail vide order dated 13.05.2022 in Cr. Misc. No. 56806 of 2021.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2, 3, 4 and 5, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with



Kahalgaon P.S. Case No. 260 of 2021 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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