

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31064 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- SULTANGANJ District- Bhagalpur

1. Mithilesh Mandal @ Mithilesh Kumar S/O Bijay Mandal R/O Village-Gangapur, P.S-Sultangunj, District-Bhagalpur.
2. Ramdhan Mandal @ Ramdhan Kumar S/O Arjun Mandal R/O Village-Gangapur, P.S-Sultangunj, District-Bhagalpur.
3. Ganesh Mandal @ Ganesh Kumar S/O Arjun Mandal R/O Village-Gangapur, P.S-Sultangunj, District-Bhagalpur.
4. Chandan Mandal @ Chandan Kumar S/O Arjun Mandal R/O Village-Gangapur, P.S-Sultangunj, District-Bhagalpur.
5. Manki Mandal @ Mankar Mandal S/O Kanchan Mandal R/O Village-Gangapur, P.S-Sultangunj, District-Bhagalpur.
6. Nageshwar Mandal S/O Dhanraj Mandal R/O Village-Gangapur, P.S-Sultangunj, District-Bhagalpur.
7. Santosh Mandal @ Santosh Kumar S/O Nageshwar Mandal R/O Village-Gangapur, P.S-Sultangunj, District-Bhagalpur.
8. Lakhan Mandal @ Lakhan Kumar S/O Nageshwar Mandal R/O Village-Gangapur, P.S-Sultangunj, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-06-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Learned counsel for the petitioners submits that
during the pendency of the present petition petitioners no. 3, 4



and 6 have been arrested and therefore this application with regard to the aforesaid petitioners have become infructuous. Hence, he seeks permission to withdraw this application with regard to petitioners no.3, 4 and 6 only.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 247, 384, 385, 354, 34 of the Indian Penal Code.

According to prosecution case, as per the statement of the informant namely Sangita Devi is that on 07.01.2021 accused persons namely Paro Mandal, Vijay Mandal Saami Mandal, Ramdhan Mandal, Ganesh Mandal, Chandan Mandal, Mithun Mandal, Monky Mandal, Nageshwar Mandal, Santosh Mandal, Lakhan Mandal they all came on the land of informant having Khata No. 290, Khesra No. 654, 647 having 3.1/8 decimal and forcibly erected a hut on her land and thereafter abused her and also demanded extortion money of Rs. 5 lac. He also threatened her of dire consequences if money is not paid to them. Thereafter, accused Ramdhan Mandal, Vijay Mandal and Mithilesh Kr. Prasad after chasing her due to which she failed on the ground but somehow she managed to escape.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that in fact the father of the petitioner no.1 and 2 has purchased the land in question so there is no question of extortion of money from the informant. The land in question pertaining to Khata No. 290, Khesra No. 647 measuring area 9.5 decimal was purchased on 26.04.2019 through registered sale deed from one Saryuj Sah.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners

Considering the aforesaid facts and circumstances, let the petitioners no. 1, 2, 5, 7 and 8, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sultangunj P.S. Case No. 05 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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.

3. 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. However, the acceptance of
bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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