

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32067 of 2022

Arising Out of PS. Case No.-94 Year-2019 Thana- MANSI District- Khagaria

1. AJAY MANDAL SON OF ANUP MANDAL RESIDENT OF VILLAGE - SAIDPUR, P.S. MANSI DISTRICT KHAGARIA
2. PANDAV MANDAL SON OF ANUP MANDAL RESIDENT OF VILLAGE - SAIDPUR, P.S. MANSI DISTRICT KHAGARIA
3. SUDHIR MANDAL SON OF LAKHAN MANDAL RESIDENT OF VILLAGE - SAIDPUR, P.S. MANSI DISTRICT KHAGARIA
4. DASHRATH MANDAL @ DASO MANDAL SON OF LATE MAKHAN MANDAL RESIDENT OF VILLAGE - SAIDPUR, P.S. MANSI DISTRICT KHAGARIA
5. ANIL MANDAL SON OF BISHNU DEV MANDAL RESIDENT OF VILLAGE - SAIDPUR, P.S. MANSI DISTRICT KHAGARIA
6. SUNIL MANDAL SON OF BISHNU DEV MANDAL RESIDENT OF VILLAGE - SAIDPUR, P.S. MANSI DISTRICT KHAGARIA
7. MAHENDRA MANDAL SON OF MUSHHAR MANDAL RESIDENT OF VILLAGE - SAIDPUR, P.S. MANSI DISTRICT KHAGARIA
8. SANJAY MANDAL SON OF ANUP MANDAL RESIDENT OF VILLAGE - SAIDPUR, P.S. MANSI DISTRICT KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in the Virtual Court proceeding.

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

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 379 of the Indian Penal Code.

According to prosecution case, on 27.04.2019 in the morning informant came to know that his co-villager namely Ajay Mandal alongwith other named accused persons are forcibly cutting his wheat crop from the field. He went to stop them, on this they started abusing and started assaulting with lathi. Ajay Mandal assaulted the informant causing injury. Sudhir Mandal gave a lathi blow to Babloo Mandal causing injury on head. Pandav Mandal assaulted Bindal Mandal with lathi. On hulla, villagers assembled then accused persons fled away.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter-case and both the families are agnates and there is admitted land dispute between them. He further submits that the co-accused namely Oversial Mandal @ Oversiar Mandal @ Ajit Mandal has been granted privilege of Anticipatory Bail vide order dated 11.10.2022 passed in Cr. Misc. No. 23071 of 2022. The case of the petitioners is at similar footing.



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

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mansi P.S. Case No. 94 of 2019, 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, his 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 antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, 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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