

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40615 of 2021**

Arising Out of PS. Case No.-415 Year-2019 Thana- RAJAON District- Banka

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1. Mahabir Mandal Son of Golti Mandal Resident of Village - Singhnan, P.S. - Rajoun, District- Banka.
 2. Tufan Mandal Son of Mahabir Mandal Resident of Village - Singhnan, P.S. - Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 06-06-2022 Heard Mr. Brij Nandad Prasad, learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, learned APP for the State.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners apprehend their arrest in connection with Rajoun P. S. Case No. 415 of 2019 registered for the offences punishable under Sections 341, 323, 307, 379, 504 read with Section 34 of the Indian Penal Code and Section 3/4 of the Prevention of Witch Practices Act.

As per the prosecution case, it is alleged that on



05.10.2019 all the F.I.R. named accused persons including these petitioners armed with *lathi*, bamboo and other weapons came to the house of the informant and started abusing her as *Dian* and assaulted her. It is specifically alleged that petitioner no. 1 assaulted the informant with butt of pistol on her head causing serious injuries.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation against all these petitioners, so far the specific allegation of assault is concerned, the same has been attributed against co-accused Kamleshwari Yadav. It has further been submitted that both the parties are *gotiyas* and there is a case and counter case between the parties. It is next submitted that other co-accused persons having similar allegation, namely, Amod Mandal and Pramod Mandal have been granted anticipatory bail by a co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 26680 of 2020 vide order dated 08.02.2021. A copy of which has been annexed as annexure 2 to this application. It is lastly submitted that the petitioners have no criminal antecedent and they are ready to



give undertaking to co-operate in the investigation and conclusion of the trial.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application of the petitioners, however, he shows his inability to differentiate the case of the petitioners from those who have been granted anticipatory bail by co-ordinate Bench of this Hon'ble Court.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus allegation against these petitioners, apart from the fact that other similarly situated persons have been granted anticipatory bail by a co-ordinate Bench of this Hon'ble Court, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P. S. Case No. 415 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with the following conditions:-

- (i) One of the bailors should be the close relative of the petitioners.



- (ii) The petitioners will co-operate in the investigation as well as in conclusion of the trial.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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