

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48823 of 2022**

Arising Out of PS. Case No.-35 Year-2022 Thana- DHANKUND District- Banka

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GULESHWAR MANDAL, S/o Jaddu Mandal, Resident of Bhatua Chak,
P.S.- Dhankund, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

2. Heard learned counsel for the petitioner and
the learned APP for the State.

3. The petitioner seeks bail in connection with
Dhankund P.S. Case No.35 of 2022 registered for the offences
punishable under Sections 341, 323, 354-B and 379 of the
Indian Penal Code.

4. The informant has alleged that when she had
gone to attend the call of nature at 05:00 AM in her own field,
the petitioner has assaulted her and indulged in molestation.

5. Learned counsel for the petitioner submits
that it is a case of false implication due to past enmity. The
injury report, which has been enclosed in support of the



allegation, shows simple injuries in the form of a bruise below the eye and some pain on the right arm. The petitioner has no criminal antecedents and for such false implication, has now remained in custody since 25.04.2022.

6. Learned APP has opposed the prayer for bail.

7. Considering the period of custody, nature of injuries, and the submissions advanced on behalf of the petitioner, this Court is inclined to allow the prayer for bail.

8. Prayer for bail is allowed.

9. Accordingly, let the petitioner, above named, be released on 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 S.D.J.M. Banka, in connection with Dhankund P.S. Case No.35 of 2022, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



10. This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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