

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59782 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. KAMOD MANDAL S/o Late Rabindra Mandal R/o Mohalla- Kabraghat, P.S.- L.N.M. University, Distt.- Darbhanga
 2. Pramod Mandal S/o Late Rabindra Mandal R/o Mohalla- Kabraghat, P.S.- L.N.M. University, Distt.- Darbhanga
 3. Kanhaiya Mandal @ Kanhaiya Kumar S/o Pramod Mandal R/o Mohalla- Kabraghat, P.S.- L.N.M. University, Distt.- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad
For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner no.3 has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner no.3.

In view of the aforesaid submission, the application is dismissed as withdrawn as **having become infructuous as against petitioner no.3.**



Petitioner nos. 1 and 2 apprehend their arrest for the offences alleged under Sections 341, 504, 354(B, 323, 307, 324 and 34 of the Indian Penal Code, registered in connection with L.N.M. University P.S.Case No. 230 of 2020.

As per allegation, both the parties have their own tea stalls in neighbourhood. The informant was working at her tea stall. Meanwhile, ten named accused persons including the petitioners, came there. They abused her. When Ram Kumar Mandal prohibited them, co-accused Subodh Mandal assaulted him with stick. Other accused persons also assaulted the informant. The allegation against petitioner no.2 is that he outraged her modesty. They also took Rs. 40,000/- cash from her shop and a gold chain from her neck. It has also been alleged that petitioner no.1 threw boiling oil on the person of the informant, but she escaped.

Learned counsel for the petitioners has submitted that they all are persons of clean antecedents. Admittedly, both the parties have their own tea stalls and due to business rivalry, the petitioners have falsely been implicated. He has submitted further that there is counter case and none has sustained any kind of injury. He has also submitted that, though there was allegation of throwing boiling oil on petitioner no.1, but none



has sustained any kind of injury.

Considering the above facts and circumstances, especially the clean antecedents of petitioner no. 1 and 2, let them above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga in connection with L.N.M. University P.S.Case No. 230 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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