

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10151 of 2021**

Arising Out of PS. Case No.-500 Year-2019 Thana- KAHALGAON District- Bhagalpur

Anuj Kumar, Son of Domi Mandal, Village- Harchandpur, P.S.- Kahalgaon,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Birendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 04-02-2022 The applicant/accused in Crime No. 500 of 2019 registered with Kahalgaon Police Station for the offences punishable under Sections 341, 323, 354, 447, 379 and 504 r/w Section 34 of the Indian Penal Code, by this application is seeking his pre-arrest bail. The applicant, on earlier occasion had claimed pre-arrest bail vide Criminal Misc. No. 25928 of 2020. However as the learned Additional Public Prosecutor has urged that the applicant is juvenile and he has to go before the Juvenile Justice Board, the said application was withdrawn. However the applicant has not approached the Juvenile Justice Board as he at the time of the alleged crime was not juvenile and that is how he has approached again this Court seeking pre-arrest bail in the instant application.

Learned counsel for the applicant took me through the



statement of Putul Kumari so also that of Kailash Mandal appearing at paragraphs 16 and 17 of the case diary and submitted that the entire prosecution case against the applicant is concocted and considering the nature of offence, his custodial interrogation is not warranted. It is further argued that co-accused with more serious role such as Domi Mandal @ Pradeep Kumar, Phulo Mandal @ Pankaj Mandal and Poddi Mandal @ Promod Mandal are already granted pre-arrest bail by a coordinate Bench of this Court vide order dated 20.12.2019 passed in Criminal Misc. No. 84706 of 2019.

The learned Additional Public Prosecutor opposed the application by contending that the victim so also her relatives have supported the prosecution case and therefore, the application is required to be rejected.

I have considered the submissions so advanced and also perused the material placed before me.

Indisputably, co-accused Domi Mandal @ Pradeep Kumar, Phulo Mandal @ Pankaj Mandal and Poddi Mandal @ Promod Mandal are granted pre-arrest bail by a coordinate Bench of this Court vide order dated 20.12.2019.

According to the prosecution case, on 30.07.2019, minor female child of first informant Ashok Mandal was



returning to her house after attending the coaching classes. It is averred by the first informant-father that when his daughter was crossing the playground, the applicant teased her and assaulted her by means of fist and slaps as well as by means of bat of the cricket. Thereafter when wife of the first informant had gone to the playground for inquiry, the applicant abused her so also threatened her. Subsequently after half hour, co-accused Domi Mandal @ Pradeep Kumar, Phulo Mandal @ Pankaj Mandal and Poddi Mandal @ Promod Mandal (who are granted pre-arrest bail) so also co-accused Bunni Mandal and the applicant came at the house of the first informant armed with weapons and damaged the motorcycle. They assaulted wife of the neighbour of the first informant.

As stated above, the co-accused who allegedly participated in the subsequent incident are already granted pre-arrest bail by a coordinate Bench of this Court. In the first part of the First Information Report, it is alleged that the applicant assaulted minor female child of the first informant. Witness Putul Kumari was accompanying that minor female child at the time of the incident. She had given some another story. She stated that young boys were playing cricket in the playground in which they were crossing and the ball hit the daughter of the



first Informant. She abused to the present applicant. Thereafter family members of the first informant reached at the field to assault the applicant. Another independent eye witness Kailash Mandal has reiterated the same facts and added that relatives of the first informant had assaulted the applicant.

Considering the nature of the offence, nature of evidence appearing which has surfaced during course of investigation so also keeping in mind the fact that co-accused with severe allegations are already granted pre-arrest bail by a coordinate Bench of this Court, I see no reason to reject the pre-arrest bail to the applicant. Therefore, the order :-

i. The application is allowed.

ii. In the event of his arrest or surrender before the court below, the applicant/accused in Crime No. 500 of 2019 registered with Kahalgaon Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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