

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16097 of 2023

Arising Out of PS. Case No.-226 Year-2022 Thana- LAKHNAUR District- Madhubani

1. RAM ASHISH MANDAL S/O LATE JAGESHWAR MANDAL R/V- Deep, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani
2. NIRAJ MANDAL S/O INDRA DEO MANDAL R/V- Deep, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani
3. MADHUKAR MANDAL S/O RAM ASHISH MANDAL R/V- Deep, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani
4. DHIRAJ MANDAL S/O INDRADEV MANDAL R/V- Deep, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani
5. AMARJIT MANDAL S/O LATE JAGDISH MANDAL R/V- Deep, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani
6. RAM SEWAK MANDAL S/O LATE TANUK LAL MANDAL R/V- Deep, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate
Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 226 of 2022, registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the Indian Penal Code.

At the outset, the learned counsel for the



petitioners seeks not to press the present petition qua the petitioners no. 1 & 4, however, seeks liberty on behalf of them to enable them to surrender before the learned court below and avail the privilege of regular bail. Liberty so sought is granted.

The present petition qua the petitioners no. 1 & 4 stands dismissed as not pressed.

The accused persons including the petitioners are alleged to have surrounded the informant on the alleged date and time of occurrence, when he had gone outside to purchase some articles, whereafter they had assaulted him. It is alleged that the accused persons, namely, Ram Ashish Mandal, Dheeraj Mandal and Raj Kishore Mandal had assaulted the informant by means of *farsa*, *dabia* and sickle, whereafter rest of the accused persons had also assaulted him and his two sons.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present



case. The learned counsel for the petitioners has further submitted that as far as the petitioners no. 2, 3, 5 & 6 are concerned, a general and omnibus allegation has been levelled, hence they be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that specific allegation of overt act has been levelled against the petitioners no. 1 & 4 and a general and omnibus allegation has been levelled against the petitioners no. 2, 3, 5 and 6, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the ***petitioners no. 2, 3, 5 and 6 above named***, are directed to be released on anticipatory bail in the event of their



arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Jhanjharapur, District-Madhubani in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 226 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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