

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14935 of 2023

Arising Out of PS. Case No.-56 Year-2021 Thana- EKCHARI District- Bhagalpur

1. ANITA DEVI W/O SURESH MANDAL R/v- Ekchari Diyara, P.S.- Ekchari, District- Bhagalpur
2. RINKU DEVI W/O KUNDAN MANDAL @ KUNDAN KUMAR MANDAL R/v- Ekchari Diyara, P.S.- Ekchari, District- Bhagalpur
3. DHARMENDRA KUMAR @ DHARMENDRA MANDAL S/O JICHCHHU MANDAL R/v- Ekchari Diyara, P.S.- Ekchari, District- Bhagalpur
4. NILAM DEVI W/O JICHCHHU MANDAL R/v- Ekchari Diyara, P.S.- Ekchari, District- Bhagalpur
5. JICHCHHU MANDAL @ JITENDRA MANDAL S/O BHARAT MANDAL R/v- Ekchari Diyara, P.S.- Ekchari, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Ekchari P.S. Case No 56 of 2021 for the offence under Sections 147, 149, 341, 323, 307 and 436 of the I.P.C. lodged on 19.12.2021 by the informant Sunil Mandal.

The prosecution story, in brief, is that on 02-12-2021, the informant Sunil Mandal was taking rest at his 'Basa'. At that time, the above named petitioners along with 2-3 unknown persons attacked him. It was alleged that first of all, Jichchhu



Mandal attacked the informant with 'Khanti' on which the informant fell down. Thereafter, accused Kundan assaulted on his head by country-made pistol and accused Suresh Mandal from the back portion of spear assaulted him. It was further alleged that wife of Jichchhu Mandal brought match-box and kerosene oil and ordered to kill the informant by burning him on which the wife of Kundan set fire. Anyhow, the informant fled away but his 'Basa' was totally burnt to ashes.

Learned counsel for the petitioners submit that the petitioners are unfortunate victim of the present episode inasmuch as that the poor villagers came into the false assurance of the informant who was running 'Maa Saraswati Vikas' Committee in the village and invested under the belief that the amount will become double in three years.

As the same could not materialize, subsequently, the concerned authorities were also petitioned. Subsequently, the alleged occurrence took place and grabbing the said opportunities, all those who had invested have been implicated.

The last submission is that the allegation is of 02.12.2021, F.I.R. lodged on 19.12.2021 and the delay has not been explained.

Learned APP opposes the prayer stating that all the



accused persons assaulted the informant.

Considering the inordinate delay in lodging of the F.I.R. as also the fact that the petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M., 1st Class, Bhagalpur, in connection with Ekchari P.S. Case No 56 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail
application is allowed.

(Rajiv Roy, J)

Ravi/kiran-

U		T	
---	--	---	--

