

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24296 of 2023

Arising Out of PS. Case No.-43 Year-2020 Thana- ANTICHAK District- Bhagalpur

1. SUNAINA DEVI Wife of Vikash Mandal Resident of village-Oriap, P.S.-Antichak, District-Bhagalpur
2. KESHAV KUMAR MANDAL Son of Sri Mahant Mandal Resident of village-Oriap, P.S.-Antichak, District-Bhagalpur
3. RAJESH KUMAR @ RAJESH KMAR @ RAJESH MANDAL Son of Late Vidyasagar Mandal Resident of village-Oriap, P.S.-Antichak, District-Bhagalpur
4. NAGESHWAR MANDAL Son of Late Buddhdev Mandal Resident of village-Oriap, P.S.-Antichak, District-Bhagalpur
5. GIRISH MANDAL Son of Sri Vechan Mandal Resident of village-Oriap, P.S.-Antichak, District-Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 448, 341, 323, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. The informant alleges that accused persons came and petitioner no. 5 tried to rape her, on alarm her son Alok came, who was assaulted by Girish and Jai Hind with butt of pistol causing injury on nose, further accused persons assaulted



her husband by rod and petitioners snatched her golden ear rings.

4. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is a woman and have been falsely implicated in the present case, it is next submitted that there is admitted land dispute between the parties, it is further submitted that Title Suit No. 7 of 2019 has been filed by the husband of the informant against the petitioners and their family members, it is further submitted that from the side of the informant an application under Order 39 Rule (1) of the C.P.C. was filed in the aforesaid Title Suit No. 7 of 2019 seeking injunction but the same was dismissed by order dated 06.11.2020 as would be evident from Annexure-2 to the anticipatory bail application. It is thus submitted that on account of dispute relating to land the present false case came to be instituted. It is next submitted that petitioners were granted the benefit of Section 41(1) of the Cr.P.C. and they have not misused the privilege. It is next submitted that this Court after examining the provision of law and the earlier judgment had come to a considered conclusion that an anticipatory bail is maintainable in the event, if the privilege of Section 41(1) of the Cr.P.C. is granted to the accused persons in the case of



***Gauri Shankar Roy vs. State of Bihar Reported in 2015 (3)
PLJR 618.***

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Antichak P.S. Case No. 43 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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