

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37033 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

1. ARUN MANDAL S/O YOGENDRA MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
2. PRADEEP MANDAL S/O YOGENDRA MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
3. REPUESH KUMAR MADAL S/O ARUN MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
4. KANCHAN MANDAL S/O PRAHLAD MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
5. BINOD MANDAL S/O YOGENDRA MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
6. SUMAN KUMAR MANDAL @ SUMAN MANDAL S/O SUKHARU MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
7. UMESH MANDAL S/O SAHEB MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
8. RAKESH KUMAR MANDAL @ RAKESH MANDAL S/O SUKHARU MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
9. PREM LAL MANDAL @ PREM MANDAL S/O SUDAM MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
10. SUKHARU MANDAL S/O LATE RAMESHWAR MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.
11. MUNNA KUMAR MANDAL S/O PRADEEP MANDAL Resident of Village- Kurban Bhatta, Batheli, P.S.- Muffasil, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 22-02-2023 Learned counsel for the petitioners is permitted to



remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 365, 363, 143, 448, 341 and 323 read with Section 34 of the Indian Penal Code.

As per the prosecution case, on 13.02.2019, the petitioners entered the house of the informant and took away his nephew (*bhegna*) namely Vikram Choudhary with them but after long gap, he could not be traced out.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties. There is an inordinate delay of two years in lodging the F.I.R. by the informant without giving any reasonable explanation. There is persistent land dispute between the parties. Learned counsel has further submitted that the informant has sent his nephew to Rani Bazar near Raghupati Jute Mill, Virat Nagar in the District of Marang, Nepal where he is doing some work but in order to take



revenge, this false case has been filed against the petitioners. The petitioners are accused in one more criminal case as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case as well as the materials available on record, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of Court concerned, Katihar in connection with Muffasil P.S. Case No. 162 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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