

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45932 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- MADHEPURA District- Madhepura

1. Krityanandan Mandal, Son of Balram Mandal, Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
2. Bihari Mandal @ Bihari Kamat, Son of Balram Mandal, Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
3. Dayanand Mandal, Son of Balram Mandal, Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
4. Sintu Mandal, Son of Bihari Mandal, Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
5. Vikram Mandal, Son of Bihari Mandal, Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
6. Arbind Mandal, son of Krityanand Mandal, Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
7. Mantu Mandal Son of Krityanand Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
8. Rajnandan Mandal Son of Dayanand Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
9. Amit Mandal Son of Dayanand Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
10. Kargil Mandal Son of Dayanand Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
11. Vikash Mandal Son of Dayanand Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
12. Babul Kumar Son of Arbind Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
13. Ashok Mandal Son of Krityanand Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
14. Rajkumar Mandal Son of Ashok Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura
15. Lalo Mandal @ Jaikumar @ Lalo @ Lalo Kumar Son of Ashok Mandal Resident of Manikpur, P.S. - Madhepura, (Bharrahi) O.P., Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA



ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Madhepura (Bharrahi O.P) P.S. Case No. 41 of 2023, registered for the offences under Sections 341, 323, 354B, 379, 447, 385, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged that her father-in-law was falsely implicated by her neighbours in a case of Excise Act by getting him arrested with illicit liquor. Thereafter petitioner no.1 demanded Rs. 50,000/- from her husband for getting her father-in-law released and after sometime petitioner nos.2 and 3 came and threatened him that why Rs. 50,000/- was not paid which was demanded by their father. Further allegation is that these petitioners drag out the husband of the informant and took him to their house and confined him in a room and with other 12 petitioners assaulted the informant and her husband and disrobed her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The informant has falsely implicated the entire family members of the petitioners



in this case as she suspected that petitioners were instrumental in getting her father-in-law arrested. The petitioners never informed the Excise Department about the illicit liquor was kept in the house of the informant. Learned counsel further submits that the petitioners never demanded any money from the husband of the informant and never assaulted the informant and her husband. In fact, the present case is a counter blast of Madhepura (Bharrahi O.P.) Case No. 22 of 2023 which was filed prior to the case filed by the informant. The present case is lodged after much delay for an occurrence of 01.01.2023 and the FIR was registered only on 12.01.2023. This shows the deliberation and afterthought of the informant. Learned counsel further submits that there is allegation of brutal assault but the injury reports of the victims show simple injury. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and also considering the strong possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Madhepura/concerned court in connection with Madhepura (Bharrahi O.P) P.S. Case No. 41 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

balmukund/-

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

