

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47465 of 2023

Arising Out of PS. Case No.-1189 Year-2022 Thana- SUPAUL District- Supaul

1. KAMAL MANDAL SON OF LATE LAKHAN MANDAL RESIDENT OF VILLAGE- JHAKHRAHI, WARD NO. 27, PS- SUPAUL, DIST- SUPAUL
2. KARTIK KUMAR SON OF SHIBU MANDAL RESIDENT OF VILLAGE- JHAKHRAHI, WARD NO. 27, PS- SUPAUL, DIST- SUPAUL
3. RAJ KUMAR MANDAL @ RAJ KUMAR SON OF SHIBU MANDAL RESIDENT OF VILLAGE- JHAKHRAHI, WARD NO. 27, PS- SUPAUL, DIST- SUPAUL
4. BADRI MANDAL @ NARAYAN MANDAL SON OF LATE LAKHAN MANDAL RESIDENT OF VILLAGE- JHAKHRAHI, WARD NO. 27, PS- SUPAUL, DIST- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Advocate
For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Supaul P.S. Case No. 1189 of 2022 for the offence registered under Sections 341, 323, 324, 307, 379 and 506/34 of the Indian Penal Code lodged on 22.12.2022 by the informant, Pankaj Kumar Mandal.

As per the prosecution story, due to election rivalry.



allegation is that co-accuseds, namely, Pradeep Kumar and Kuldeep Kumar started assaulting by means of '*dabia*' and '*khanti*' causing injury on his head. When his family members came to rescue, allegation is that co-accused, Pradeep Kumar snatched Rs. 3000/- from the pocket of informant's father and other co-accused persons also assaulted the informant's side/family members. Accordingly, the FIR.

It is the case of the petitioners that due to land dispute as also that a counter case was lodged, the same being earlier to the present one, in which co-accused, Pradeep Kumar also sustained injuries. Further, omnibus allegation are there against these petitioners. Last submission is that, the petitioners have no criminal antecedent.

Learned APP for the State opposes the prayer for bail stating that all the accused persons assaulted the family members of the informant.

Considering the fact that there is case and counter case, the petitioner's case being earlier one, they do not have criminal antecedent and the injuries have been found to be simple in nature, this Court inclined to extend them the privilege of bail.

Let the petitioners, above named, in the event of their



arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 1189 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) 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 their bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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