

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45461 of 2023

Arising Out of PS. Case No.-216 Year-2020 Thana- BANMANKHI District- Purnia

1. Rakesh Mandal @ Rakesh Ranjan son of Devan Mandal Village- Pipra Ps- Banmankhi Dist- Purnea
2. Rousan Mandal @ Rousan Mandal son of Devan Mandal Village- Pipra Ps- Banmankhi Dist- Purnea
3. Gitesh Mandal @ Sitesh Kumar @ Sitesh Mandal son of Saryug Mandal Village- Pipra Ps- Banmankhi Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s :	Mr. Md. Aslam Ansari, APP
For the Informant :	Mr. Dr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-10-2023 The petitioners seek bail in anticipation of their arrest in connection with Banmankhi P.S. Case No. 216 of 2020 dated 24.08.2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 325, 120B, 302, 379 and 506 of the Indian Penal Code.

2. The petitioners had earlier approached this Court for grant of anticipatory bail vide Cr. Misc. No. 13008 of 2021 but chose to withdraw the same as by that time, the police had not sent them up for facing



trial. They have again approached this Court when the learned Chief Judicial Magistrate did not accept the report so far as the petitioners were concerned and took cognizance against them also. The petitioners had preferred anticipatory bail before the court below again which was rejected.

3. That order is under challenge in the present petition.

4. We have heard Mr. Viveka Nand Singh, learned Advocate for the petitioners and Dr. Manoj Kumar for the informant. The State is represented by Mr. Md. Aslam Ansari, learned APP.

5. Mr. Singh has submitted that other accused persons who were also named in the subject FIR but were not charge sheeted and only later, cognizance was taken against them have been granted bail by a Bench of this Court *vide* order dated 27.07.2023 passed in Cr. Misc. No. 35246 of 2023. In that order, it has been noted by the Bench that the petitioners therein were not



sent up for trial and they apprehended their arrest only after the court took cognizance against them. The allegations against the petitioners in the aforementioned case was general and omnibus.

6. Mr. Singh has further submitted that the case of these petitioners are also similar except that they had approached this Court for anticipatory bail when police had already exonerated them.

7. The learned counsel for the informant, however, has opposed the prayer for grant of bail on the ground that one of the petitioners viz. Rakesh Mandal @ Rakesh Ranjan, son of Devan Mandal has been taken in custody in another case and in that case, his initial attempt to obtain anticipatory bail was dismissed as withdrawn, as he had already been arrested.

8. Dr. Manoj Kumar, learned counsel for the informant, has also submitted that though vide supplementary affidavit, the statement regarding the criminal antecedents of the petitioners has been rectified



by the petitioners but he sees this is as an attempt to beguile the Court to obtain bail.

9. Looking at the allegations in the FIR, which are general and omnibus in nature coupled with the fact that the police did not find truth in the accusation but the learned Chief Judicial Magistrate differing with the police report took cognizance against the petitioners. This Court is inclined to enlarge the petitioner nos. 2 and 3 viz. Rousan Mandal @ Rousan Mandal and Gitesh Mandal @ Sitesh Kumar @ Sitesh on bail on grounds of parity as also on merits.

10. The petitioners nos. 2 and 3 viz. Rousan Mandal @Rousan Mandal and Gitesh Mandal @Sitesh Kumar @Sitesh Mandal respectively, shall be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount



each to the satisfaction of the learned Additional Chief
Judicial Magistrate 1st Purnea in connection with
Banmankhi P.S. Case No. 216 of 2020, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

11. So far as petitioner no. 1/Rakesh Mandal @
Rakesh Ranjan is concerned, his prayer for anticipatory
bail is rejected as he is in custody in another case.

12. It would be open for petitioner no.
1/Rakesh Mandal @ Rakesh Ranjan to move for regular
bail, in case it is so desired.

(Ashutosh Kumar, J)

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