

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47881 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- DANDKHORA District- Katihar

1. Ambul Kumar Das Son Of Rajendra Mandal Resident Of Village- Thapkole, Ps- Dandkhora, Distt- Katihar
2. Anant Kumar Das Son Of Rajendra Mandal Resident Of Village- Thapkole, Ps- Dandkhora, Distt- Katihar
3. Nand Kishore Mandal @ Nand Kishor Das Son Of Son Of Rajendra Mandal Resident Of Village- Thapkole, Ps- Dandkhora, Distt- Katihar
4. Rajendra Mandal @ Rajendra Prasad Mandal Son Late Mahavir Mandal Resident Of Village- Thapkole, Ps- Dandkhora, Distt- Katihar

... .. **Petitioners**

Versus

The State of Bihar

... .. **Opposite Party**

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Dandkhora P.S. Case No. 37 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code. The petitioners have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the accused persons assaulted the husband of the informant by means of lathi and danda when he was returning home. It is alleged that the



accused persons also assaulted the informant on her head by dabiya and took out the ornaments from the neck of the informant.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the alleged occurrence took place on a petty dispute between the two neighbours and there is no eye witness to the alleged occurrence.

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

6. Having regard to the submission that the alleged occurrence took place on a petty dispute between the two neighbours, there is no eye witness to the alleged occurrence, no repeated assault has been made by the petitioners and the injury report shows all the injuries simple in nature, hence, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named, who have otherwise no criminal antecedent, be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Dandkhora P.S. Case No. 37 of 2023 subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Rajeev Ranjan Prasad, J)

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