

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55859 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- SUPAUL District- Supaul

GAJENDRA MANDAL S/o- JAWAHAR MANDAL Village- Amtho Ward
no-8, Ps- Supaul Dist- Supaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is an accused in connection with Supaul P.S. Case No. 193 of 2023 registered for the offences under sections 341, 323, 307, 379, 354B and 34 of the Indian Penal Code lodged on 15.03.2023 by the informant, Kanchan Devi.

As per the prosecution story, the informant alleged that her husband had gone to worship in the joint house, when the accused persons put chilli powder in his eyes and thereafter Devendra Mandal tried to outrage her modesty while Gajendra Mandal assaulted her husband by iron rod. It is her further allegation that they snatched her golden chain and earring too. This led to the lodging of the FIR.

It is the case of the petitioner that earlier a complaint



was filed by the wife of the petitioner's younger brother alleging that she was tortured by alleging to be doing '*witch*' practices. His further submission is that both the petitioners and the informant are full brothers, there is case and counter case and as the sister-in-law of the petitioner was called '*dayan*' and was forced to take cow dung in her mouth, she in a bid to rescue herself, moved her legs and hands which led the informant's husband fell on the door, causing injury and which has been attributed to have been allegedly assaulted. Further, he has already suffered by being in custody since 23.03.2023 (as stated in paragraph 13 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that the allegation against the petitioner is of assaulting his brother, causing injury to him.

Taking into account the submissions put forward by the learned Counsel for the petitioner as also that there is another story to the present case that the sister-in-law was called '*dayan*' and was forced to take cow dung in her mouth and in a bid to rescue herself as she used force, Vijendra Mandal fell down causing injury, FIR lodged and ultimately will face the trial, is in custody since 23.03.2023, do not have criminal antecedent, this Court is inclined to extend him privilege of bail



but after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Supaul in connection with Supaul P.S. Case No. 193 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 his bail bonds;

(v) the petitioner 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.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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