

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59482 of 2022

Arising Out of PS. Case No.-229 Year-2020 Thana- PANDAUL District- Madhubani

1. CHANDAN MANDAL @ CHANDAN KUMAR MANDAL S/o Surendra Mandal R/V- Biraul, P.S.- Pandaul, Distt- Madhubani.
2. GAURI MANDAL @ DAYA SHANKAR MANDAL S/o Shatrudhan Mandal R/V- Biraul, P.S.- Pandaul, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-02-2023 Heard both sides.

The petitioners apprehend their arrest in connection with Pandaul P.S. Case No.229 of 2020, registered for the offences punishable under Sections 147, 148, 149, 307, 504, 506 and 379 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petition. The petitioners are not named in the FIR. It is submitted that in the *fardbeyan*, the informant has not taken the names of the petitioners. The informant has taken the names of these petitioners in his



restatement. In the restatement of the informant, specific allegation is made against petitioner no.1, Chandan Mandal @ Chandan Kumar Mandal that he assaulted the deceased by iron rod. It is submitted that no specific allegation is made against petitioner no.2, Gauri Mandal @ Daya Shankar Mandal.

The learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioners.

Considering the fact that there is specific allegation of assault against petitioner no.1, Chandan Mandal @ Chandan Kumar Mandal, I am not inclined to enlarge petitioner no.1, Chandan Mandal @ Chandan Kumar Mandal on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to petitioner no.1, Chandan Mandal @ Chandan Kumar Mandal is hereby rejected.

Considering the fact that no specific allegation of assault is made against petitioner no.2, let petitioner no.2, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No.229 of



2020, subject to the conditions laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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