

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68327 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- BHAPTIAHI District- Supaul

1. Kapildev Mandal Son of Late Lakshmi Mandal Resident of Village - Gopalpur, P.S - Bhaptiyahi, District- Supaul.
2. Manoj Kumar Mandal @ Manoj Kumar, Son of Jogi Mandal, Resident of Village - Gopalpur, P.S - Bhaptiyahi, District- Supaul.
3. Subodh Kumar Mandal @ Subodh Kumar, Son of Jogi Mandal, Resident of Village - Gopalpur, P.S - Bhaptiyahi, District- Supaul.
4. Roshan Kumar Mandal @ Roshan Kumar, Son of Sudish Mandal, Resident of Village - Gopalpur, P.S - Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-12-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Bhaptiyahi P.S. Case No. 38 of 2023 for the offence registered under sections 341, 323, 324, 354(B), 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 14.04.2023 by the informant Gajendra Kumar Mandal.

3. As per the prosecution story, the allegation is that the informant's side was constructing a small hut when accused persons came and allegation is that the petitioner no. 4, Roshan



Kumar Mandal @ Roshan Kumar gave *farsa* blow to the informant's *bhabhi*, Binda Devi. The further allegation is against other accused persons including these petitioners of assaulting the mother who came to save the *bhabhi* whose modesty was also outraged by the accused persons and lastly another set of accused persons took the gold and silver ornament of the other *bhabhi* who was also assaulted. Accordingly, the FIR.

4. Mr. Arun, learned Counsel for the petitioners submits that there is a counter version to this case also, there is a land dispute and the petitioners do not have criminal antecedent.

5. Learned APP for the State, on the other hand, has taken this Court to the Injury Report of Binda Devi to show that the nasal bone was fractured and the injury no. 2 has been found to be grievous in nature. He submits that the allegation has been attributed to the petitioner no. 4, Roshan Kumar Mandal @ Roshan Kumar. He further submits that there is allegation against the petitioner no. 2, Manoj Kumar Mandal @ Manoj Kumar also of not only assaulting the informant's side but also snatching of the gold and silver ornaments of one of the informant's *bhabhi*. He further submits that in any case, there is allegation against all the accused persons of assaulting the



informant's side.

6. Having gone through the facts of the case, the materials on record as also the submissions put forward by the parties this Court finds that though there is allegation of assault on the other accused persons also, specific allegation is against Roshan Kumar Mandal @ Roshan Kumar (petitioner no. 4) of giving serious injury to one of the *bhabhi* of the informant, as stated above. Further, against Manoj Kumar Mandal @ Manoj Kumar (petitioner no. 2) there is allegation of assault as also snatching of ornaments and in that background, the anticipatory bail application of both petitioner no. 2 (Manoj Kumar Mandal @ Manoj Kumar) as also petitioner no. 4 (Roshan Kumar Mandal @ Roshan Kumar) stand rejected.

7. So far as the petitioner no. 1 (Kapildev Mandal) and petitioner no. 3 (Subodh Kumar Mandal @ Subodh Kumar) are concerned, in view of the fact that omnibus allegation is against these two accused persons, the petitioner no. 1 is 74 years of age while petitioner no. 3 is 19 years old, they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner no. 1 (Kapildev Mandal) and petitioner no. 3 (Subodh Kumar Mandal @ Subodh Kumar) in



the event of 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 C.J.M., Supaul in connection with Bhaptiyahi P.S. Case No. 38 of 2023 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 no. 1 (Kapildev Mandal) and petitioner no. 3 (Subodh Kumar Mandal @ Subodh Kumar), who shall provide official document to show their *bona fide*;

(ii) the petitioner no. 1 (Kapildev Mandal) and petitioner no. 3 (Subodh Kumar Mandal @ Subodh Kumar) 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 petitioner no. 1 (Kapildev Mandal) and petitioner no. 3 (Subodh Kumar Mandal @ Subodh Kumar) shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner no. 1 (Kapildev Mandal) and



petitioner no. 3 (Subodh Kumar Mandal @ Subodh Kumar)
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 petitioner no. 1 (Kapildev Mandal) and
petitioner no. 3 (Subodh Kumar Mandal @ Subodh Kumar)
shall desist from committing any criminal offence again failing
which the State shall be at liberty to take steps for cancellation
of their bail bonds.

(Rajiv Roy, J)

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