

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72041 of 2022

Arising Out of PS. Case No.-396 Year-2018 Thana- KAHALGAON District- Bhagalpur

1. KAILASH MANDAL S/O PARSADI MANDAL Resident of village-
Kodwar, P.S.- Kahalgaon (Ghogha), District- Bhagalpur
2. BANTI MANDAL S/O BILASH MANDAL Resident of village- Kodwar,
P.S.- Kahalgaon (Ghogha), District- Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Kahalgaon (Ghogha) P.S. Case No. 396/2018 registered for the offences punishable under Sections 341, 323, 337, 308, 504/34 of the Indian Penal Code. The petitioners have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that while his cow was grazing in the field of petitioner no. 1 and he had gone to catch his cow in his field, all the accused persons named in the FIR firstly abused him and assaulted by means of lathi, bricks and stones. When the brother of the



informant came to rescue him he was also assaulted as a result of which he sustained head injury.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that on account of petty dispute the present FIR has been lodged. There is case and counter case by the parties.

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

Having regard to the facts and circumstances of the case, the allegations being petty in nature and the fact that the police had earlier given the benefit of Section 41 Cr.P.C. to the petitioners, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing 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, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 396/2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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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