

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9912 of 2024

Arising Out of PS. Case No.-807 Year-2020 Thana- SUPAUL District- Supaul

1. Jairam Mandal S/o Late Biranchi Mandal R/o Vill - Vina, W. No. 6, P.S. and Dist. - Supaul
2. Shrawan Mandal S/o Sita Ram Mandal R/o Vill - Vina, W. No. 6, P.S. and Dist. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard Mr. Nafisu Zzoha, learned counsel for the

petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Supaul P.S. Case No. 807 of 2020 for the offence under sections 341, 323, 379, 354, 504/34 of the I.P.C. lodged on 02.12.2020 by the informant, Pulkit Mandal.

3. As per the prosecution story, the allegation is that while the informant was eating in his courtyard, one Reeta Devi started throwing leaves and dirty materials. When this was objected, the accused persons armed variously came and assaulted the informant and the specific alleation is against petitioner no. 2 of giving 'axe' blow on his head while petitioner no. 1 gave iron rod blow on his left hand. When his wife came to his rescue, she was also thrown on the ground and further, there is allegation of outraging her modesty. Accordingly, the



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4. Learned counsel for the petitioners submit that they are agnates and due to minor issue, certain scuffle took place which has been given the colour of assault.

5. Learned APP, on the other hand, submits that there is specific allegation against the petitioner no. 2, Shrawan Mandal.

6. Taking into account the submissions put forward by the parties, so far as petitioner no. 2, Shrawan Mandal is concerned, no relief can be extended to him, his anticipatory bail application stands rejected.

7. Regarding, petitioner no. 1, Jairam Mandal is concerned, considering the fact that the assault is on the hand and the injury is found to be simple in nature and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 1, Jairam Mandal be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Supaul, in connection with Supaul P.S. Case No. 807 of 2020 subject to the



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

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

(ii) the petitioner no. 1 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 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no. 1 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 the bail bonds;

(v) the petitioner no. 1 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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