

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16217 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- SARSI District- Purnia

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1. Sabiya Devi @ Sobha Devi Wife of Ramanand Mandal Residence of Vill.- Maliniya, P.S.- Sarsi, District- Purnia
 2. Jeetan Kumar @ Jitendra Kumar Mandal Son of Naresh Mandal Residence of Vill.- Maliniya, P.S.- Sarsi, District- Purnia
 3. Shushil Kumar Son of Naresh Mandal Residence of Vill.- Maliniya, P.S.- Sarsi, District- Purnia
 4. Nitish Kumar Son of Ramanand Mandal Residence of Vill.- Maliniya, P.S.- Sarsi, District- Purnia
 5. Pankaj Kumar @ Pankaj Kumar Mandal Son of Ramanand Mandal Residence of Vill.- Maliniya, P.S.- Sarsi, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-03-2024 Heard learned Counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sarsi P.S. Case No. 180 of 2023 for the offence registered under sections 341, 447, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code lodged on 05.09.2023 by the informant, Sankar Mandal.



3. As per the prosecution story, the allegation in the FIR is that when the informant was picking up cattle dung near the canal, the petitioner no. 1 and Ramanand Mandal came, abused and thereafter upon protest by the informant that it is a public land, Ramanand Mandal went to the house, brought an iron rod and hit on the head of the informant, causing injury. The further allegation is against other accused persons, petitioners herein of having threw him on the ground. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that a bare perusal of the FIR would show that the specific allegation is against Ramanand Mandal of hitting the informant on his head. Regarding these petitioners omnibus allegation of throwing on the floor is alleged as also regarding petitioner no. 1 is about snatching of gold chain.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the fact that the specific allegation has come against Ramanand Mandal, there is/are omnibus allegation against these petitioners, none of them have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.



7. Let the petitioners 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 3rd Additional Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No. 180 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 petitioners, who shall provide official document to show their *bona fide*;

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

(iv) the petitioners 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 petitioners 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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