

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21080 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- LAUKAHI District- Madhubani

1. ASHA DEVI Wife of Ashok Mandal
2. AJAY KUMAR MANDAL Son of Ashok Mandal.
Both Resident of Village-Kariyaut, P.S.-Laukahi, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr.Jitendra Bharti, learned counsel for the

petitioners and Mr.Kumar Veerendra Narayan, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Laukahi P.S.Case No.69 of 2023,
corresponding to G.R.Case No.459 of 2023, FIR dated
11.03.2023, registered for the offences punishable under
Sections 341,323,308,337,379,504/34 of the Indian Penal
Code.

3. As per FIR, on the alleged date of occurrence, all
the accused persons including the petitioners dancing upon
D.J. on an objectionable song then family members of the



informant objected the same then co-accused Ashok Mandal assaulted by iron rod to the informant and one Manish Kumar Mandal.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that there is specific allegation of assault is attributed against co-accused person, namely, Ashok Mandal and there is no specific allegation of any assault or overt-act attributed against the petitioners and there is case and counter case.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners and there is case and counter case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be



released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Jhanjharpur, Madhubani in connection with Laukahi P.S.Case No.69 of 2023, corresponding to G.R.Case No.459 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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