

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26131 of 2024

Arising Out of PS. Case No.-242 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. ARJUN MANDAL SON OF BABU LAL MANDAL RESIDENT OF VILLAGE- JHALLUDAS TOLA TEEN TENGA DIYRA, PS- GOPALPUR (RANGARA,) DIST- BHAGALPUR
 2. SUNITA DEVI @ FAGUNI DEVI @ SARITA DEVI WIFE OF ARJUN MANDAL RESIDENT OF VILLAGE- JHALLUDAS TOLA TEEN TENGA DIYRA, PS- GOPALPUR (RANGARA,) DIST- BHAGALPUR
 3. MANGLI DEVI WIFE OF BABULAL MANDAL RESIDENT OF VILLAGE- JHALLUDAS TOLA TEEN TENGA DIYRA, PS- GOPALPUR (RANGARA,) DIST- BHAGALPUR

... .. Petitioner/s

Versus

1. The State Of Bihar
2. KIRO DEVI WIFE OF SREE RAMBRIKSH MANDAL RESIDENT OF VILLAGE- JHALLUDAS TOLA TEEN TENGA DIYARA, PS- GOPALPUR (RANGARA,) DIST- BHAGALPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Rajesh Kumar, learned counsel for the

petitioners and Mr. Sunil Kumar Pandey, learned APP for the

State.

2. After some arguments, learned counsel for the

petitioners submits that during the pendency of the petition,

petitioner no. 1, namely, Arjun Mandal has been arrested and as

such he seeks permission to withdraw the application with

respect of petitioner no. 1, namely, Arjun Mandal as having



become infructuous.

3. Permission is accorded.

4. The bail application with respect to petitioner no.1, namely, Arjun Mandal is dismissed as withdrawn as having become infructuous.

5. The petitioners (except petitioner no.1) are apprehending their arrest in connection with Complaint Case No. 242 of 2021, dated 02.08.2021 registered for the offences punishable under Sections 323, 504, 506, 354, 307, 380, 34 of the Indian Penal Code and Sections 3, 4 of Dayan Act (Witch Act).

6. Allegation against the petitioners is that the petitioner namely Sunita Devi caught the complainant's hair and pull down and the petitioner namely Mangli Devi pressed her neck with intention to kill her.

7. Learned counsel for the petitioners (except petitioner no.1) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition. He further submits that although there is allegation



against the petitioners that they have assaulted to the complainant but the learned Judicial Magistrate has not taken cognizance under Section 307 of the Indian Penal Code against the petitioners and from perusal of the complaint petition it appears that there is general and omnibus allegation against these petitioners.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no.1).

9. Considering the aforesaid facts that the petitioners having clean antecedents and the learned Court below has not taken cognizance under Section 307 of the Indian Penal Code, let the petitioners (except petitioner no.1), 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate 1st Class, Naugachia, District- Bhagalpur in connection with Complaint Case No. 242 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners (except petitioner no.1) 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.

(2) If the petitioners (except petitioner no.1) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no.1) and in case at any stage, it is found that the petitioners (except petitioner no.1) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no.1). 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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