

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24704 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- BARAHAT District- Banka

1. Madan Mohan Mandal Son of Chiranjivi Mandal Resident of Village- Aurabari Mahuwa, P.S.- Barahat, Dist.- Banka
2. Bhagwat Mandal Son of Chiranjivi Mandal R/o Village- Aurabari Mahuwa, P.S.- Barahat, Dist.- Banka
3. Manoj Mandal Son of Chiranjivi Mandal R/o 78A 2B-Block Gali No. 23, Mahavir Enclave, Part-2, Uttam Nagar, P.S.- Uttam Nagar, Dist.- West Delhi
4. Roshan Kumar Son of Manoj Mandal Resident of Village- Mahuwa, P.S.- Barahat, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-05-2024 Heard Mr. Sanjeev Kumar, learned Counsel for the
petitioners and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barahat P.S. Case No. 253 of 2023 for the offence registered under sections 341, 323, 308, 379, 504 and 34 of the Indian Penal Code lodged on 02.11.2023 by the informant, Yashwant Kumar.

3. As per the prosecution story, the informant alleged that while he was ploughing his field by tractor, the accused persons came and after abusing why he had crossed the field,



allegation is of assaulting his father, causing injury on the head. When the informant came to his rescue, he too was assaulted. Further allegation is of snatching of the amount. This followed the F.I.R.

4. Learned Counsel for the petitioners submit that they are neighbours, having adjoining field, though allegation of assault is/are against the accused persons, a perusal of the learned Sessions Judge order would show that the Injury report was not part of the case diary. He submits that it can be construed that though allegation is there, there was no injury on the part of the informant/his father. The last submission is that there is a counter version to the present occurrence also and none of them have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that though omnibus in nature, allegation of assaulting the informant/his father.

6. Considering the submissions put forward by learned Counsel for the petitioners and after going through the order of the learned Sessions Judge, these petitioners do not have criminal antecedent, the injury is not on record, there is a counter version to the F.I.R., 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 A.C.J.M.-1st, Banka in connection with Barahat P.S. Case No. 253 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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