

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25647 of 2024

Arising Out of PS. Case No.-133 Year-2020 Thana- GHOGHARDIHA District- Madhubani

1. Ram Nath Mandal Son of Sitam Mandal
 2. Hari Narayan Mandal @ Hari Lal Mandal Son of Ram Nath Mandal
 3. Ram Deo Mandal Son of Sitam Mandal
 4. Sita Devi Wife of Ram Nath Mandal
 5. Bina Devi Wife of Ram Deo Mandal.
- All are Resident of Village- Mujiyasi, Chathru Tol, P.S. Ghoghardiha,
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.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2024 Heard Mr.Jitendra Bharti, learned counsel for the

petitioners and Mr.Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Ghoghardiha P.S.Case No.133 of 2020, FIR
dated 20.08.2020 registered for the offences punishable under
Sections 448,341,323,324,308,504,506 and 34 of the Indian
Penal Code.

3. The prosecution story in short is that the informant
Durgi Devi has alleged that on the alleged date of occurrence all
the named accused persons of the FIR including petitioners



arrived at the house of Informant together and started abusing her and attacked her with lathi, danda, farsa and other sharp weapons in which her Bhaisur Manager Mandal sustained farsa blow injury over his head.

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 and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 18.08.2020 but the present FIR has been instituted on 20.08.2020 after delay of two days afterthought only to falsely implicate the petitioners. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

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 and there is no specific allegation of any



assault or overt-act, 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., Jhanjharpur, Madhubani in connection with Ghoghardiha P.S.Case No.133 of 2020, 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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