

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34429 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- PARBATTa District- Bhagalpur

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1. Dhaneshwar Mandal SON OF RUPAS MANDAL VILLAGE- NANKHAR,
P.S. - PARBATTa,, DIST-Bhagalpur
 2. ASHISH KUMAR MANDAL SON OF DHANESHWAR MANDAL
VILLAGE- NANKHAR, P.S.- PARBATTa, DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Parbatta P.S. Case No. 41/2024 instituted under Sections 341, 323, 307, 504/34 of the Indian Penal Code lodged on 04.03.2024 by the informant, Bipin Sahni.

3. As per the prosecution story, the informant alleged that he alongwith his brother had gone to a shop and as there were some rush, they were standing outside the chicken shop when these accused persons firstly abused and then assaulted with a knife and the wooden rod present in the shop causing injuries which led to the treatment Sub-Divisional Hospital, Naugachhia and then shifted to



Mayaganj Hospital for better treatment. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that for an occurrence of 28.02.2024, FIR was lodged on 04.03.2024. Further, the injuries have been found to be simple in nature. Lastly, a counter case is also there on behalf of the petitioners herein in which it has been alleged that the informant was teasing the ladies and upon objection, the assault. Though, he concedes that his FIR is also delayed one.

5. Learned APP opposes the prayer stating that both these petitioners assaulted and have criminal antecedent.

6. Taking into account the delay in lodging of the FIR, there is a counter case, the injuries have been found to be simple in nature, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in



connection with Parbatta P.S. Case No. 41/2024 to the satisfaction of learned A.C.J.M.-IIIrd, Naugachia, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

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

(v) 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 the bail bonds;

(vi) 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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