

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39431 of 2024

Arising Out of PS. Case No.-6 Year-2021 Thana- LAUKAHI District- Madhubani

1. Lal Dev Mandal son of Lakhan Mandal Village- Kharagpur, Ps-Laukahi, Dist- Madhubani
2. Vishnu Dev Mandal @ Bisun Dev Mandal son of Lakhan Mandal Village- Kharagpur, Ps-Laukahi, Dist- Madhubani
3. Lakhan Mandal son of Late Jhotan Mandal Village- Kharagpur, Ps-Laukahi, Dist- Madhubani
4. Sanichari Devi wife of Lakhan Mandal Village- Kharagpur, Ps-Laukahi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Nitu Kumari, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard Mrs. Nitu Kumari, learned Counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Laukahi P.S. Case No. 06 of 2021 for the offence registered under sections 341, 323, 354(B), 307, 379, 504 and 34 of the Indian Penal Code lodged on 11.01.2021 by the informant, Satyanrayan Sah.

3. As per the prosecution story, the informant alleged that the only road which takes them to their house, the accused persons were putting sand on it. Upon objection, allegation



against petitioner no. 1, Lal Dev Mandal is of putting a towel around his neck and wanted to press it. As his daughter-in-law came to his rescue, Vishnu Dev Mandal @ Bisun Dev Mandal (petitioner no. 2) outrage her modesty and later allegation is that Lakhan Mandal (petitioner no. 3) gave iron-rod blow on different parts of the body, causing injury. The allegation against petitioner no. 4, Sanichari Devi is of snatching the gold ornaments. The injured was rushed to the Primary Health Centre, Ken and after treatment, the F.I.R.

4. Learned Counsel for the petitioners submit that there is delay in lodging of the F.I.R., only to implicate them, everyone has been assigned a role, though she concedes that allegation of assault mainly is on Lakhan Mandal but the injury has been found to be simple in nature.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the matter is of the year 2021 and now after so many years, the petitioners have approached this Court.

6. Considering the submissions put forward by the parties as also the allegation that has come against the petitioner no. 3, Lakhan Mandal, his anticipatory bail application stands rejected.



7. So far as the other accused persons, petitioner nos. 1, 2 and 4 namely, Lal Dev Mandal, Vishnu Dev Mandal @ Bisun Dev Mandal and Sanichari Devi are concerned, taking into account the submissions that has been put forward by the learned Counsel for the petitioners, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioner nos. 1, 2 and 4 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 Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Laukhi P.S. Case No. 06 of 2021 corresponding to G.R. Case No. 90 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner nos. 1, 2 and 4, who shall provide official document to show his *bona fide*;

(ii) the petitioner nos. 1, 2 and 4 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 his bail bond by the Trial court itself;



(iii) the petitioner nos. 1, 2 and 4 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;

(iv) the petitioner nos. 1, 2 and 4 shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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