

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38853 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- BARDAHA District- Araria

1. Anil Kumar @ Anil Mandal @ Anil Kumar Mandal son of Baldev Mandal R/O Vill.- Sainik Chowk, Biri (Benga), Ward no. 06, P.S.- Bardaha, Dist.- Araria.
2. Mithun Kumar Mandal @ Mithun Mandal Son of Baldev Mandal R/O Vill.- Sainik Chowk, Biri (Benga), Ward no. 06, P.S.- Bardaha, Dist.- Araria.
3. Sunil Mandal son of Baldev Mandal R/O Vill.- Sainik Chowk, Biri (Benga), Ward no. 06, P.S.- Bardaha, Dist.- Araria.
4. Chitralekha Devi Wife of Ravindra Mandal R/O Vill.- Sainik Chowk, Biri (Benga), Ward no. 06, P.S.- Bardaha, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rabindra Kumar Priyadarshi, Adv.
For the Opposite Party/s	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr. Mahav Jha, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 06-09-2024 Heard Mr. Rabindra Kumar Priyadarshi, learned Advocate for the petitioners and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor for the State. The informant appears through Mr. Madhav Jha, learned Advocate.

2. The petitioners apprehend their arrest in connection with Bardaha P.S. Case No. 2 of 2024, registered for the offences punishable under Sections 147, 148, 341, 323, 324, 326, 504, 506 of the Indian Penal Code.

3. Based on the written report, the prosecution alleges that on the alleged date of occurrence when the son of the



informant proceeded to attend the call of nature, on account of old enmity, all the FIR named accused persons, caught hold of the victim and brought him behind the back of the house of Chitralekha Devi and brutally assaulted him and chopped off his private part.

4. Learned Advocate for the petitioners submits that apart from the fact that the entire allegation is omnibus in nature and the informant is not an eye witness, the present case is nothing but has been instituted in order to counter the Bardaha P.S. Case No. 3 of 2024 which was registered on the same day by Chitralekha Devi (petitioner no. 4) alleging therein that the son of the informant having found her alone started misbehaving with a view to outrage the modesty. He also entered her house and ravished her. On hulla being raised, he brutally assaulted the petitioner no. 4 and succeeded in fleeing away. In fact, on account of indecent and immoral act of the informant's son, the villagers assembled and thereafter he was beaten up by the villagers; where in such incidence he received injury on his private part; is the contention of the learned Advocate for the petitioners. It is next contended that the petitioners are persons of fair antecedent and they undertake that they will fully cooperate in the proceeding of the court.



5. On the other hand, learned Advocate for the State as well as the informant vehemently oppose the bail application and referring to the injury report submits at the Bar that the victim has received an incised wound over his private part. However, till date nature of injury has not been opined.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fair antecedent of the petitioners and the case and counter case as has been disclosed in the bail application, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Bardaha P.S. Case No. 2 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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