

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48342 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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1. SURESH MANDAL S/O LATE VISHWANATH MANDAL R/O VILLAGE- TELAHAN, P.S- SADAR, DISTT.- DARBHANGA.
 2. GEETA DEVI W/O DHARMENDRA MANDAL @ DHARMENDRA KUMAR R/O VILLAGE- TELAHAN, P.S- SADAR, DISTT.- DARBHANGA.
 3. LACHCHU MANDAL @ LADDU MANDAL @ RAM PRAKASH MANDAL S/O MOHAN MANDAL R/O VILLAGE- TELAHAN, P.S- SADAR, DISTT.- DARBHANGA.
 4. LALITA DEVI W/O SURESH MANDAL R/O VILLAGE- TELAHAN, P.S- SADAR, DISTT.- DARBHANGA.
 5. NITISH MANDAL @ NITISH KUMAR @ NITIN MANDAL S/O SURESH MANDAL R/O VILLAGE- TELAHAN, P.S- SADAR, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehend their arrest in connection
with Sadar P.S. Case No. 173 of 2024 for the offence registered
under sections 341, 504, 323, 308, 379, 506 and 34 of the IPC



lodged on 01.04.2024 by the informant Sangeeta Devi.

3. As per the prosecution story, the informant alleged that all the accused persons came to the shop of her father-in-law and wanted the items without any payment. Upon refusal, allegation against Dharmendra Mandal is of using iron rod on his head as also right eye, Guddu Mandal of using '*kudal*' on the informant while Raja Mandal gave injury to her brother-in-law on his head, all of them were injured. And then, there is allegation of removal of ear ring and other items from the shop. The injured were taken to Darbhanga Medical College Hospital where they were undergoing treatment which followed the FIR.

4. Learned Counsel for the petitioner submits that these petitioners are family members which include the two ladies, allegation is of only assaulting them, specific allegation is against Dharmendra Mandal, Raja Mandal and Guddu Mandal as would reflect from the FIR and none of them have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that all of them have been named in the FIR.

6. Taking into account the submissions put forward by the parties as also the fact that specific charge is against Guddu



Mandal, Raja Mandal and Dharmendra Mandal of assaulting the informant's father-in-law, brother-in-law as also the informant while allegation was only against these petitioners, two of them are ladies. As such, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners, named above 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 Chief Judicial Magistrate, Darbhanga in connection with Sadar P.S. Case No. 173 of 2024 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, who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 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 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)

Vijay Singh/-

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