

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48156 of 2024

Arising Out of PS. Case No.-38 Year-2022 Thana- LAUKAHI District- Madhubani

1. Pramesh Kumar Mandal @ Pramesh Mandal Son of Sri Bihari Mandal R/O Vill.- Thardhi, P.S.- Laukahi, Dist.- Madhubani
2. Suraj Mandal Son of Kailu Mandal R/O Vill.- Thardhi, P.S.- Laukahi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Adv.
For the State	:	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Laukahi P.S. Case No. 38 of 2022, instituted under Sections 341, 323, 337, 307, 504/34 of the Indian Penal Code lodged on 22.02.2022, by the informant, Ram Sati Devi.

3. As per the prosecution story, the informant alleged that while she was engaged in some agriculture work in her field, the accused persons came and allegation against the petitioner no. 1 is of assaulting causing injury in her ear while the petitioner no. 2 gave assault on her back. Accordingly, she was treated and the FIR.



4. Learned counsel for the petitioners pointed out that the allegation is of 13.02.2022 while the FIR is lodged on 22.02.2022 and admittedly as per the allegation, she was treated in a government hospital and was very much within the reach of the police to lodge FIR, still she has given the reason of treatment for the delay. It is further submitted that from perusal of the injury report, it transpires that the injury is simple in nature. Moreover, petitioners have no criminal antecedents.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present application in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (Total amount of Rs. 10,000/-) through Demand Draft issued by the local State Bank of India Branch, to be submitted before the “Nazarat” of concerned Court to be handed over to the informant, namely, Ram Sati Devi after checking the credentials.

6. Learned APP opposes the prayer for bail and submitting that both the petitioners assaulted the informant causing injuries.

7. Taking into account the fact the allegation of assault is there, admittedly there is inordinate delay in lodging



of the FIR, the injury shows simple in nature and the petitioners have no criminal antecedent.

8. Let the petitioners, above named, 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 **subject to payment of Rs. 5,000/- each (Total amount of Rs. 10,000/-)** as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the trial Court, on furnishing bail of Rs. 10,000/- each (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 38 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 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 their bail bonds;

(iv) 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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