

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86388 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- RAJAON District- Banka

1. ASHOK KUMAR MANDAL @ ASHOK MANDAL S/O AYODHI MANDAL R/O VILLAGE- RAJABAR, PS. RAJOUN, DIST. BANKA.
2. KESHAV MANDAL @ KESHAV LAL MANDAL @ KESHOAV MANDAL S/O AYODHI MANDAL R/O VILLAGE- RAJABAR, PS. RAJOUN, DIST. BANKA.
3. BABLU MANDAL @ BABLU @ BABU LAL MANDAL S/O BRAHAM DEO MANDAL R/O VILLAGE- RAJABAR, PS. RAJOUN, DIST. BANKA.
4. SITARAM MANDAL S/O UCHIT LAL MANDAL R/O VILLAGE- RAJABAR, PS. RAJOUN, DIST. BANKA.
5. NITYANAND SINGH @ NITYANAND MANDAL S/O MEDI MANDAL R/O VILLAGE- RAJABAR, PS. RAJOUN, DIST. BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Rajoun P.S. Case No. 40 of 2023 instituted under Sections 341, 323, 342, 354, 504, 506 and 34 of the Indian Penal Code lodged on 26.1.2023 by the informant, Priyanka Kumari.

3. As per the prosecution story, the informant has alleged that while she was returning home after visiting the idol goddess 'Sarswati', the petitioner nos. 1 and 2 tried to outrage



the her modesty and when her brother came to her rescue, he was assaulted. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the lady has made allegation only against the petitioner nos. 1 and 2, namely Ashok Kumar Mandal and Keshav Mandal @ Keshav Lal Mandal and there is omnibus allegation against three petitioners, namely Bablu Mandal @ Bablu, Sitaram Mandal and Nityanand Singh @ Nityanand Mandal.

5. Learned APP on the other hand submits that all of them had assembled whereafter, the petitioner nos. 1 and 2 tried to outrage the modesty of the informant and later they assaulted her brother also, he as such, opposes the prayer for bail.

6. Considering the kind of allegation that has come against the petitioner nos. 1 and 2 namely Ashok Kumar Mandal and Keshav Mandal @ Keshav Lal Mandal, this Court is not inclined to extend them the privilege of anticipatory bail which is accordingly rejected.

7. So far as the petitioner no, 3 Bablu Mandal @ Bablu, petitioner no.4 Sitaram Mandal and petitioner no.5 Nityanand Singh @ Nityanand Mandal are concerned, the allegation of outraging the modesty of the informant is not there and further there is omnibus allegation of assault and the injury



report is not on record and in that view of the matter, the anticipatory bail of petitioner no. 3 Bablu Mandal @ Bablu, petitioner no. 4 Sitaram Mandal and petitioner no.5 Nityanand Singh @ Nityanand Mandal stand allowed.

8. Let the petitioner no. 3 Bablu Mandal @ Bablu, petitioner no. 4 Sitaram Mandal and petitioner no. 5 Nityanand Singh @ Nityanand Mandal 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 Rajoun P.S. Case No. 40 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Banka 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)

Ravi/-

U		T	
---	--	---	--

