

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81848 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- BASANHI District- Saharsa

1. Ashmita Devi Wife of Uday Mandal Resident of Village-Motibari, Ward No. 11, P.S.- Basnahi, and District- Saharsa
2. Jhupan Devi @ Jhupam Kumari Wife of Awdhesh Kumar Resident of Village-Motibari, Ward No. 11, P.S.- Basnahi, and District- Saharsa
3. Simli Devi Wife of Kailash Mandal Resident of Village-Motibari, Ward No. 11, P.S.- Basnahi, and District- Saharsa
4. Sushil Mandal @ Soshil Mandal Son of Kailash Mandal Resident of Village-Motibari, Ward No. 11, P.S.- Basnahi, and District- Saharsa
5. Kailash Mandal Son of Pradeep Mandal Resident of Village-Motibari, Ward No. 11, P.S.- Basnahi, and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanshu Ranjan, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Basnahi P.S. Case No. 77 of 2024 instituted for the offences under Sections 341, 323, 324, 325, 307, 447, 504, 506/34 of the Indian Penal Code.

3. Prosecution case, in short, is that the accused persons including the petitioners arms with weapons came at the door of the informant and started assaulting him and his family



members. It is further alleged that Kailash Mandal (petitioner no. 5 herein) assaulted the informant by means of *dabia* on his hand due to which he sustained injuries.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Learned counsel further submitted that the only specific allegation against the petitioner Kailash Mandal is that he gave *dabia* blow on the left hand of the informant. It has been submitted on behalf of the petitioners that the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, there is specific allegation of assaulting the informant by *dabia* against petitioner no. 5, this Court is not inclined to grant bail to the petitioner no. 5. Accordingly, the prayer for grant of bail to petitioner no. 5 is, hereby, rejected.

7. So far as petitioner nos. 1 to 4 are concerned, there is general and omnibus allegation against them, this Court is



inclined to grant bail to the said petitioner nos. 1 to 4.

8. Accordingly, **let the petitioner nos. 1 to 4**, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Basnahi P.S. Case No. 77 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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