

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83941 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- KALUAHI District- Madhubani

1. Rekha Devi, Female, Aged about 45 years, Wife Of Parmeshwar Mandal.
 2. Ramkali Devi, Female, Aged about 38 years, Wife Of Ramesh Mandal.
 3. Aparna Kumari, Female, Aged about 19 years, Daughter Of Ramesh Mandal.
 4. Premkala Devi, Female, Aged about 34 years, Wife Of Suresh Mandal.
 5. Ashish Kumar @ Ashish Chaupal, Male, Aged about 20 years, Son Of Suresh Mandal.
 6. Vikash Mandal, Male, Aged about 23 years, Son Of Parmenshwar Mandal.
- All are residents of Village- Lakshmipur, P.S.- Kaluahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard Mr. Vikash Kumar Jha, learned counsel appearing on behalf of the petitioners and Mr. Nitya Nand Tiwary, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Kaluahi P.S. Case No. 202 of 2022, registered for the offence punishable under Sections 143, 448, 341, 323, 354(B), 379, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners



along with other co-accused persons named therein, had assaulted the informant and her family members and had also outraged the modesty of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case due to previous enmity. He further submitted that injury sustained by the victim is simple in nature. There is no specific allegation of overt act has been levelled against the petitioners. There is case and counter case between the parties. The occurrence took place on 20.10.2022 but the FIR was lodged on 25.10.2022 after delay of nearly five days without explaining any reasonable cause of delay. Similarly situated co-accused persons, namely, Parmeshwar Mandal, Ramesh Mandal @ Rameshwar Das and Suresh Mandal, have already been released on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 15.01.2024 passed in Criminal Miscellaneous No. 84997 of 2023. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the



FIR against the petitioners, as well as, the fact that there is no specific allegation of overt act has been levelled against the petitioners and FIR was lodged after delay of nearly five days without explaining any reasonable cause of delay. Similarly situated co-accused persons, namely, Parmeshwar Mandal, Ramesh Mandal @ Rameshwar Das and Suresh Mandal, have already been released on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 15.01.2024 passed in Criminal Miscellaneous No. 84997 of 2023. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhubani, in connection with Kaluahi P.S. Case No. 202 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending



**against the petitioners as what has been stated in paragraph
no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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