

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.260 of 2024

Arising Out of PS. Case No.-158 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. Vilash Mandal @ Vilash Kumar Mandal @ Vishal Mandal, aged about 25 years, Gender-Male, Son of Narayan Mandal, R/O Village- Jorawarganj, Ward No. 09, P.S.- Kumarkhand, Dist.- Madhepura.
2. Dilchand Kumar, age about 28 years, Gender-Male, Son of Narayan Mandal, R/O Village- Jorawarganj, Ward No. 09, P.S.- Kumarkhand, Dist.- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Surya Narayan Yadav, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kumarkhand P.S. Case No. 158/2023 dated 04.05.2023 registered for the offences punishable under Sections 341, 323, 307, 354B, 379, 427, 504 and 506/34 of the I.P.C.

3. As per the prosecution case, the petitioners and the co-accused persons entered the courtyard of the informant with different arms and started abusing her. It is further alleged that the petitioner no. 2 assaulted on the head of the informant's



daughter. Accused Vilash Mandal tore the informant's clothes.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the petitioners and the informant are next door neighbours. It is further submitted that the petitioners and other people of the society protested the illegal act of the informant and her associates and there is some land dispute between them, due to which, the present false case been lodged by the informant against the petitioners. It is submitted that no specific allegation has been made against the petitioners. The injuries of the informant and her daughter were found to be simple in nature by the doctor. The petitioners' side have also sustained injuries from the side of the informant. The other co-accused Narayan Mandal and Guria Devi have already been granted anticipatory bail on 15.09.2023 vide A.B.P. No. 1318 of 2023 by the learned court below itself as stated in paragraph no. 12 of the bail petition. The alleged occurrence took place on 29.04.2023 but the F.I.R. was lodged on 04.05.2023 after a delay of seven days for which no explanation has been given by the prosecution. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Madhepura in connection with Kumarkhand P.S. Case No. 158 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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