

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86218 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- RUPAULI District- Purnia

Manchan Mandal, S/O Hem Narayan Mandal, R/O Village- Lachhminiya,
P.S- Rupauli (Mohanpur O.P.), Distt.- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Braj Kishore Singh Chouhan, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Rupali (Mohanpur O.P.) P.S. Case No. 390 of 2022 registered for the offences punishable under Sections 147, 341, 342, 452, 380, 354, 354(B), 376, 511/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, the informant alleged that the petitioner along with other accused persons entered into her house and an altercation took place because of the dispute relating to sale proceeds of maize. Thereafter, the petitioner ordered other accused persons to find out the amount. It is alleged that Hem Narayan Mandal and others assaulted the kith and kin of the informant. On 20.06.2022 the petitioner and Buddha Mandal entered into the house of the informant and

assaulted the husband and father-in-law.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to a land dispute. It is submitted that both the parties are own gotiyas and similarly situated co-accused have been granted privilege of anticipatory bail by the learned court below.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case, the submission that both the parties are own gotiyas which would be evident from the statements made in paragraph '6' of the complaint and further that the co-accused similarly situated have been granted privilege of anticipatory bail in ABP No. 1302 of 2023 by the learned court below, the case of the petitioner is similarly situated and it is evident from the records that the parties are having a land dispute in Title Suit No. 42 of 2022 and the petitioner has no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Rupauli (Mohanpur O.P.) P.S. Case No. 390 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like

amount each to the satisfaction of learned Chief Judicial Magistrate, Dhamdaha, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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