

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1180 of 2024

Arising Out of PS. Case No.-720 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Nand Lal Mandal (Male) aged about 33 years Son of Satyanarayan Mandal
2. Arjun Mandal (Male) aged about 43 Years Son of Sri Satyanarayan Mandal
Both resident of Village - Pakki Sarai, P.S. - Kahalgaon (Ghogha), District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Ms. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Navjot Yesu, learned counsel appearing on behalf of the petitioners and Ms. Rita Verma, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Kahalgaon (Ghogha) P.S. Case No. 720 of 2023 dated 17.06.2023 registered for the offence punishable under Sections 147, 448, 354, 504, 323, 307 and 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioners had tried to outrage the modesty of the informant and had also assaulted the informant and her husband, due to which, they had sustained head injury.



4. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case between the parties. Wife of the petitioner no. 1 had lodged FIR before the present FIR on the same day alleging therein that the informant side had outraged her modesty. He further submitted that the informant side were indulged in selling liquor in front of the door of the petitioners which was objected by the petitioners, due to which, fierce fight took place between the parties and the petitioners in their self defence may have caused some injury on the informant and her husband without any intention. 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, as well as, the fact that there is case and counter case between the parties. Wife of the petitioner no. 1 had lodged FIR before the present FIR on the same day alleging therein that the informant side had outraged her modesty. He further submitted that the informant side were indulged in selling liquor in front of the door of the petitioners which was objected by the petitioners, due to which, fierce fight took place between the



parties and the petitioners, in their self defence, may have caused some injury on the informant and her husband without any intention. 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 Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon (Ghogha) P.S. Case No. 720 of 2023 dated 17.06.2023, 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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