

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6155 of 2025

Arising Out of PS. Case No.-294 Year-2024 Thana- AMARPUR District- Banka

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1. Sunaina Devi, W/o- Vilash Mandal, Village- Pabai, PS- Amarpur Dist-Banka
 2. Gulshan Mandal, S/o- Vilash Mandal, Village- Pabai, PS- Amarpur Dist-Banka
 3. Dharmendra Mandal, S/o- Vilash Mandal, Village- Pabai, PS- Amarpur Dist-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-03-2025 Heard Mr. Md. Najmul Hodda, learned counsel

 appearing on behalf of the petitioners and Mr. Jharkhandi

 Upadhyay, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Amarpur P.S. Case No. 294 of 2024 registered for the offence(s) punishable under Sections 341, 323, 307, 324, 325, 354, 448, 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners, along with other co-accused, had assaulted the informant and her family members and specific allegation is against the petitioner nos.2 and 3, that they had assaulted one



Bablu Mandal (brother-in-law of the informant) on his finger and head, with an intention to kill.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties, arising out of the same incidence and the first FIR was lodged on 08.05.2024 and in counter blast of the said petition, the informant lodged a false case against the petitioners. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on bail.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that both the parties entered into fierce fight and in self-defense they may have caused some injuries on the persons of the informant's side, without intention to kill, I am of the opinion that the petitioners have, *prima facie*, made out a case to be released on 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 learned District Court within a period of



four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 294 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J.)

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