

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37739 of 2025

Arising Out of PS. Case No.-390 Year-2022 Thana- JOGBANI District- Araria

1. Mahesh Kumar Mandal @ Mahesh Kumar @ Mahesh Mandal S/O Bhubneshwar Mandal R/O Village- Sahwajpur Ward No. 14, P.S.- Jogbani (Bathnaha O.P.), Distt.- Araria
2. Santosh Kumar Mandal @ Santosh Kumar @ Santosh Mandal S/O Suresh Mandal R/O Village- Sahwajpur Ward No. 14, P.S.- Jogbani (Bathnaha O.P.), Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Jogbani (Bathnaha) P.S. Case No. 390 of 2022 registered on 03.12.2022 for the alleged offences under Sections 147, 148, 149, 323, 324, 448, 307, 379, 504, 506 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons, making an unlawful assembly, assaulted the informant and her family members with *lathi*, *danda* and *dabiya*. A number of persons suffered injuries in their hands. Co-accused persons also snatched a gold chain and silver



ornaments from the informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The occurrence took place in the background of an altercation which has taken place when son of one of the co-accused was dashed by bicycle of one Sajjan Kumar. In fact, the informant side was aggressor and they brutally assaulted the petitioners and others for which co-accused-Silia Devi @ Shila Devi got registered Jogbani P.S. Case No. 389 of 2022 under Sections 307, 379 and other allied sections of IPC. Charge-sheet has also been submitted in the said case. The petitioners and three other persons were assaulted by the informant side and all of them were hospitalized. Both sides received injury and the injuries of both sides are simple but the prosecution side has managed to get manipulated injury report showing injuries to be grievous whereas no grievous injury has been caused. There was no repetition of assault and hence, no offence under Section 307 of IPC is made out. The present case has been lodged by the informant side only to save themselves. Learned counsel further submits that the petitioners and seven other co-accused persons moved before this Court for grant of anticipatory bail. However, learned Co-ordinate Bench has granted anticipatory bail to five



persons but rejected the same prayer for the petitioners and two others. The petitioners are having clean antecedent and they are in custody since 07.04.2025 and charge-sheet has been submitted on 30.04.2025.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners along with submission of charge-sheet and the background of counter version of the case lodged by the petitioners side, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria in connection with Jogbani (Bathnaha) P.S. Case No. 390 of 2022, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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