

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39549 of 2025

Arising Out of PS. Case No.-24 Year-2025 Thana- RS P.S. District- Madhubani

1. Shobhit Mandal @ Shobit Mandal, S/o Yugeshwar Mandal, R/o Village-Deep, P.S.- R.S. Jhanjharpur, District- Madhubani
2. Subhash Mandal @ Subhash Kumar @ Suyash Mandal, S/o Shobhit Mandal @ Shobit Mandal, R/o Village- Deep, P.S.- R.S. Jhanjharpur, District- Madhubani
3. Prabhat Mandal @ Prakash Kumar Mandal, S/o Shobhit Mandal @ Shobit Mandal, R/o Village- Deep, P.S.- R.S. Jhanjharpur, District- Madhubani
4. Prabhash Mandal @ Prabhash Kumar Mandal, S/o Shobhit Mandal @ Shobit Mandal, R/o Village- Deep, P.S.- R.S. Jhanjharpur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Rajesh Kumar, Adv.
For the State	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Shailendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-06-2025 Heard Mr. Gagan Deo Yadav, learned counsel for the petitioners, Mr. Suresh Prasad Singh, learned APP for the State and Mr. Shailendra Kumar Singh, learned counsel for the Informant.

2. The petitioners apprehend their arrest in connection with R.S. Jhanjhrpur (R.S. Jhanjharpur) P.S. Case No. 24 of 2025 dated 19.03.2025 registered for the offences punishable under sections 126(2), 115(2), 118(1), 110, 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.



3. As per the prosecution story, the informant alleged that the petitioners entered into his house and assaulted him and also tried to press his neck and on alarm being raised by him, Shobhit Mandal @ Shobit Mandal (petitioner No. 1) took a gold chain worth Rs. 1,15,000/- from his neck. It is further alleged that the whole incident was recorded in the CCTV camera fixed at the door of the informant's house and the alleged incident was committed in order to create pressure to compromise Lakhnaur R.S. (O.P.) P.S. Case No. 302/2020, which was lodged by the informant's brother, namely, Dr. Raj Nath Jha.

4. The main submissions advanced by petitioners' counsel are that the FIR of the present matter was lodged 12 days after the commission of the alleged occurrence, the petitioner No. 4 was 19 years old at the time of lodging the FIR, so, he is a very young person and in between both the parties, there is a land dispute concerned to a land situated behind a Sanskrit school, of which land was donated by the informant's ancestor. It is further submitted that in the present matter only one person, informant, is said to have sustained injuries on account of the alleged act of the petitioners but on his person, only one injury upon his neck, which has been opined to be



simple in nature, has been found by the Doctor concerned which does not corroborate the manner of occurrence. It is further submitted that against the petitioner No. 3, there is no criminal antecedent and against the petitioner No. 4, there is only one criminal antecedent. It is lastly submitted that on account of the land dispute, the informant lodged a false case against the petitioners.

5. On the other hand, learned counsel appearing for the informant has vehemently opposed this petition and submits that it is wrong to state that the FIR was lodged 12 days after the commission of the alleged occurrence, as, from the averments made in the FIR in itself, it is evident that the written application was filed just one day after the commission of the alleged occurrence and on the second page of the written FIR, there is overwriting on the date perhaps that might have been made by the police official concerned. It is further submitted that the informant's brother, namely, Dr. Raj Nath Jha had lodged Laknour R.S. O.P. P.S. Case No. 302 of 2020 against the petitioners Nos. 1, 2 and 4, which is running before the concerned court and is at the stage of framing of charge and the accused persons, petitioners, were making pressure upon the informant, who is a witness in Laknour R.S. O.P. P.S. Case No.



302 of 2020, to compromise the said case and the alleged occurrence of the present matter was committed with an intention to create pressure and the same happened inside the informant's house and as per the allegation, the petitioners entered into the house of the informant and committed the occurrence. It is lastly submitted that the petitioner No. 1 is a politically influential person and against him, there are criminal antecedents of 6 cases and against the petitioner No. 2, there are 2 criminal antecedents and against the petitioner No. 4, there is one criminal antecedent.

6. Having considered the seriousness of the allegation appearing against the petitioners Nos. 1 and 2 and also taking into account their criminal antecedents, this Court is not inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, the prayer of petitioners Nos. 1 and 2 stands rejected. So far as the prayer of petitioners Nos. 3 and 4 is concerned, though they are carrying the similar allegation, however, considering the fair and clean antecedent of the petitioner No. 3 and the young age of the petitioner No. 4, they are entitled to a lenient approach of this Court. Accordingly, let the petitioners Nos. 3 and 4, named-above, in the event of their arrest or surrender before the learned Court below within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with R.S. Jhanjhrpur (R.S. Jhanjharpur) P.S. Case No. 24 of 2025, subject to the conditions as laid down under section 482(2) of the BNSS.

(Shailendra Singh, J)

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