

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44386 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- KURSAILA District- Katihar

1. Ramkumar Mandal @ Ram Kumar Son of Late Anuplal Mandal R/O village- Kursela Basti, Ward No. 3, P. S- Kursela, District- Katihar
2. Habri Devi Wife of Ramkumar Mandal R/O village- Kursela Basti, Ward No. 3, P. S- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-07-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kursaila P.S. Case No. 65 of 2025 for the offence under sections 126(2), 127(2), 115(2), 117(2), 303(2), 109, 352 and 351(2) of the BNS lodged on 22.03.2025 by the informant, Rajendra Prasad Mandal.

3. As per the prosecution story, the informant alleged that co-accused, Vikash Mandal was abusing his son, Roushan Kumar and when it was protested, he started beating. Vikram Kumar assaulted by *dabiya* on the head of his son and when Sonu Kumar came to rescue, allegation is that petitioner no. 1 assaulted him on back and right leg. Allegation against Suraj



Kumar Mandal is of taking away gold chain and cash. The injured was shifted to Primary Health Center, Kursela. This led to the FIR.

4. Learned counsel for the petitioners submit that there is no allegation against the petitioner no. 2, Habri Devi so far as the allegation petitioner no. 1 is concerned, the injury report is not on record, both have no criminal antecedent and lastly, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioner no. 1, Ramkumar Mandal on its own would like to contribute Rs. 5,000/- towards the medical assistance of Sonu Kumar (injured) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that the allegation of assault is on petitioner no. 1, Ramkumar Mandal.

6. Taking into account the submissions of the parties as also that the injury report is not on record and the petitioners have no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with



conditions subject to payment of Rs. 5,000/- by the petitioner no. 1 as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court to be handed over to the injured.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Katihar in connection with Kursaila P.S. Case No. 65 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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