

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53655 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- HASANGANJ District- Katihar

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1. JIWACHH MANDAL S/O Late Bindu Mandal R/O VILLAGE - MAHMADIYA, WARD NO. 14, P.S.- HASANGANJ, DIST.- KATIHAR
 2. Rajni Devi @ Ranjana Devi W/o Prakash Mandal R/O VILLAGE - MAHMADIYA, WARD NO. 14, P.S.- HASANGANJ, DIST.- KATIHAR

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Hasanganj P.S. Case No. 44 of 2025 registered for the offences punishable under Sections 126(2), 127(2), 115(2), 118(1), 117(2), 74, 109, 3(5) of the BNS.

3. The petitioner no. 1 who was earlier made accused in Dandkhora P.S. Case No. 19/2005 under Sections 341, 323, 324, 504 and 34 of the IPC but he submits that in the said case the petitioner no. 1 has been acquitted. Petitioner No. 2 bears no criminal antecedent.

4. The case of the prosecution is that as per written



report of Navita Devi on 04-05-2025 at about 10:30 hours, her husband Shailendra Kumar Bishwas was getting land measured. It is alleged accused Jiwachh Mandal (Petitioner No. 1), co-accused Prakash Mandal, Sanjay Mandal, Rajni Devi (Petitioner No.2), Rina Devi, Romi Kumari, Dipak Kumar armed with khanti, lathi etc. caught her husband and started pressing his neck. It is further alleged that the co-accused Prakash Mandal assaulted with spade on his head. When the informant attempted to protect her husband, she was also pushed and Sanjay Mandal assaulted her with khanti which fortunately did not hit her.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that though the petitioners are named in the FIR but there is no specific allegation against any of the petitioners of assaulting either the informant or her husband. No specific overt act has been alleged against the petitioners. Only a general and omnibus allegation is there that all the accused persons tried to press the neck of the informant's husband. Learned counsel for the petitioners further submits that the petitioners are in custody since 16.05.2025. He also submits that the petitioner no. 2 bears no criminal antecedent and petitioner no. 1 has one criminal antecedent but in the said case



he stands acquitted.

6. On the other hand, learned APP appearing for the State opposes the prayer for regular bail of the petitioners.

7. Considering the submissions of the parties and particularly taking note of the fact that in the FIR there is no specific allegation against any of the petitioners of assaulting either the informant or her husband, further there exists only a general and omnibus allegation against the petitioners and no criminal antecedent as on date exists against any of the petitioners. Under these circumstances, the petitioners above named, are directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hasanganj P.S. Case No. 44 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason 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.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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