

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62705 of 2025

Arising Out of PS. Case No.-419 Year-2024 Thana- BANMANKHI District- Purnia

1. Jay Mandal @ Jay Kumar S/O Mahendra Mandal R/O Vill.- Hanuman Nagar, Ward No. 12, Dakshin Tola, P.S.- Banmankhi, District- Purnea (Bihar)
2. Raja Mandal @ Raja Kumar S/O Mahendra Mandal R/O Vill.- Hanuman Nagar, Ward No. 12, Dakshin Tola, P.S.- Banmankhi, District- Purnea (Bihar)
3. Puja Devi @ Puja Kumari W/O Jay Mandal @ Jay Kumar R/O Vill.- Hanuman Nagar, Ward No. 12, Dakshin Tola, P.S.- Banmankhi, District- Purnea (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-11-2025 Heard the parties.

2. At the very outset, learned counsel for the petitioners submits that he does not want to press the prayer for anticipatory bail of petitioner no. 1, he, therefore, seeks withdrawal of the same.

3. Permission is granted.

4. Accordingly, the application for anticipatory bail with respect to petitioner no.1, namely, Jay Mandal @ Jai Kumar stands dismissed as withdrawn.

5. The petitioners no.2 and 3, namely, Raja Mandal @ Raja Kumar and Puja Devi are apprehending their arrest in



connection with Banmankhi P.S. Case No. 419 of 2024 instituted under Sections 126(2), 115(2), 118(1), 303(2), 109, 352, 351(2), 3(5) of the BNS lodged on 15.11.2024 by the informant, Rajendra Mandal.

6. As per the prosecution story, in the morning of 11-11-2024, when the informant had gone to his field, he saw that all the accused persons/petitioners having been armed with deadly wapons, were ploughing a part of the informant's land illegally. When the informant intervened, he was abused and assaulted by all the accused persons. Jay Mandal and Raja Mandal thrashed him over the ground and started assaulting him with tron rod and chain and the petitioner Puja Devi assaulted him with *Lathi*. It is further alleged that Jay Mandal gave a iron rod blow on the head of the informant with an intention to kill him causing serious head injury and bleeding. It is also alleged that a finger of his left hand was cut with knife by Jay Mandal while the petitioner Raja Mandal took away Rs. 2000/- from his pocket and thereafter when his son arrived upon hearing his hue and cries, he too was brutally assaulted causing head injury. On the timely intervention of the villagers, they were rescued. The informant was referred to Punia Hospital after primary treatment at Banmankhi sub divisional Hospital owing to his serious



condition. Accordingly, the FIR.

7. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to *mala fide* intention of the informant and they have not committed any offence as alleged in the FIR. Learned counsel for the petitioner fairly submits that the injury sustained by one Rajendra Mandal is grievous in nature and the same has been inflicted upon him by petitioner no.1, Jay Mandal @ Jai Kumar whose application for anticipatory bail has already been dismissed as withdrawn. It has next been submitted that though allegation of assault being made by petitioner no.2 is there, but the injury which is said to have been sustained by one Shyam Mandal (son of the informant) is simple in nature while there is no material to suggest as to who has been caused injury by petitioner no.3, rather the allegation is not specific. Learned counsel lastly submits that the petitioners have got clean antecedent.

8. Learned APP opposes the prayer for anticipatory bail stating that though petitioners have got clean antecedent but one of the injured persons has received serious injury.

9. Considering the nature of allegation levelled against the petitioners and the injuries being simple in nature and the allegation of overt-act for causing grievous injury is



upon petitioner no.1, whose application for anticipatory bail has been dismissed as withdrawn, and the petitioners have got clean antecedent, this Court is inclined to extend the petitioners no.2 and 3 the privilege of anticipatory bail.

10. Let the petitioners no.2 and 3, namely, Raja Mandal @ Raja Kumar and Puja Devi be released on bail, in the event of their arrest or surrender before the subordinate court within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with aforesaid P.S. Case to the satisfaction of learned Chief Judicial Magistrate, Purnia subject to the conditions as laid down under Section 482(2) of the BNSS and following conditions.

(i) one of the bailors 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) 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.*

(Ajit Kumar, J)

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