

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75973 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- GOPALPUR District- Bhagalpur

1. Nageshwar Mandal S/O Dasu Mandal Resident of Village-Rangra, P.S Rangra, Dist.-Bhagalpur
2. Manoj Mandal @ Manoj Kumar S/O Kamleshwar Mandal Resident of Village-Rangra, P.S Rangra, Dist.-Bhagalpur.
3. Pappu Mandal S/o Mahendra Mandal Resident of Village-Rangra, P.S Rangra, Dist.-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur (Rangra O.P.) P.S. Case No.61 of 2024 registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 307, 435, 436, 379, 380 and 427 of the IPC.

3. As per prosecution case, petitioners and others are said to have assaulted informant, informant's husband, informant's son and daughter by means of lathi and danda with intention to kill as a result of which informant and his family



members sustained injury. It is further alleged that, Sonu Kumar, came to rescue the informant then he was concertedly assaulted by petitioners and other by means of lathi, danda and butt of firearm as a result of which he sustained injury on head. It is further alleged that accused persons had set fire on the valuable education document, jewellery and other house hold articles and also committed loot of Rs. 3,50,000 from house. FIR has been lodged against 15 named persons and 150 unknown persons.

4. Learned counsel for the petitioners submits that petitioner are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Learned counsel for the petitioners submits that prior to lodging of the present FIR, the dead body of wife of petitioner no. 2, was recovered from the field and rangra P.S. Case No. 58 of 2024 has been lodged and present case has been lodged by informant against the petitioners to save his skin from Rangra P.S Case No. 58 of 2024. There is no specific allegation the petitioners and petitioners are not in any way connected with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners submits that co-accused *Gajendra Mandal and Ors* have already been granted anticipatory bail by the co-ordinate



Bench of this Court vide Cr. Misc. No. 4227 of 2025. It has been submitted that petitioners will not abscond rather will co-operate in the investigation to prove their innocence. Learned counsel submits that the case of the present petitioners are identically same with the co-accused who have already avail the benefit of anticipatory bail by the co-ordinate Bench of this Court and on the principle of parity, petitioners deserve same treatment. Learned counsel further submits that petitioners bear criminal antecedent of one case i.e. Gopalpur (Rangra O.P) P.S. Case No. 60 of 2024 which is lodged after Rangra P.S. Case No. 58 of 2024 and petitioners are on bail in the said case.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners keeping in view the criminal antecedent of the petitioners.

6. Considering the facts and circumstances of the case, co-accused have already been granted anticipatory bail by the co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 learned A.C.J.M. 1st Naugachia, Bhagalpur/successor court in connection with Gopalpur (Rangra O.P.) P.S. Case No.61 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Alok Kumar Pandey, J)

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