

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.379 of 2025

Arising Out of PS. Case No.-90 Year-2024 Thana- KURSAILA District- Katihar

1. Suganand Kumar @ Sugi Mandal S/o Anuj Mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar
2. Hero Mandal @ Hari Kumar Mandal @ Hir Kumar Mandal Son of Anuj Mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar
3. Pradeep Mandal Son of Late Manoj Mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar
4. Pintu Mandal @ Pintu Kumar Son of Sadanand Mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar
5. Sadanand Mandal Son of Jag Dev Mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar
6. Jitu Mandal Son of Sikandar Mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar
7. Mahendra Mandal @ Mahendra Kumar Son of Satan mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar
8. Sikandar Mandal Son of Jag Dev Mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar
9. Nitish Kumar @ Nitish Mandal Son of Sikandar Mandal Resident of Village- Chany (chai) Tola Bateshpur, Police Station -Kursela, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Rahmatullah, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Md. Rahmatullah, learned counsel for the
petitioners and Mr. Shailendra Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in



connection with Kursela P.S. Case No. 90 of 2024, F.I.R. dated 25.05.2024 for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 324, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including these petitioners armed with weapons arrived at the house of the informant and surrounded him. Co-accused, Chitranjan Mandal, Sarat Mandal and Bharat Mandal have fired from their weapon which hits on the hand of informant's wife.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that due to admitted land dispute between the parties, the present occurrence has taken place. Although the petitioners are named in the F.I.R, but it appears from the F.I.R that the specific allegation of firing is attributed against the co-accused persons, namely, Chitranjan Mandal and Sarat Mandal and arms have also been recovered from the house of the co-accused, Sarat Mandal and at best, the petitioner may be member of the mob.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.



6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific allegation of assault or firing against these petitioners rather the specific allegation of firing is against the co-accused persons, namely, Chitranjan Mandal and Sarat Mandal and recovery has also been made from the house of Sarat Mandal, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Kursela P.S. Case No. 90 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the BNSS and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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 antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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