

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48472 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- BAHERI District- Darbhanga

1. Nandu Mandal S/o- Late Rajendra Mandal Resident of Village- Bandihuli, P.S.- Baheri, Dist- Darbhanga
2. Shambhu Mandal S/o- Late Rajendra Mandal Resident of Village- Bandihuli, P.S.- Baheri, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-01-2026 Heard Mr. Ashok Kumar Jha, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Baheri P.S. Case No. 46 of 2025, F.I.R. dated 13.02.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 110, 74, 352, 351(2), 3(5) of the Bharatiya Nyay Sanhita, 2023 and later on Section 109 of BNS has been added.

3. According to prosecution case, the informant alleged that when he was constructing his house, then the petitioners along with other co-accused persons came there and assaulted the him and when the family members of the



informant came to save, the accused persons assaulted them also. It is further alleged that the accused persons looted some materials from the house causing damage of Rs.5,00,000/-.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR itself that due to admitted land dispute the present occurrence has taken place and one partition suit no.328 of 2024 is pending between the parties and apart from that specific allegation is attributed against co-accused person, namely, Shashikant Kumar that he assaulted the informant. He further submits that there is specific allegation against petitioner no.2 that he has also assaulted to the informant but the informant received only one injury where the doctor has opined the following:-

1. A lacerated wound of size 3cmx2cmx1cm over left forehead region of head.

2. Abrasion of size 1cmx1cm over bilateral knee.

3. Swelling of size 1cmx1cmx1cm over right wrist

5. Learned counsel for the petitioner further submits that co-accused person, namely, Shashikant Kumar @ Shashikant Kumar @ Shashikant Mandal against whom there is specific allegation has also been granted the privilege of



anticipatory bail by the co-ordinate Bench of this Court vide order dated 09.07.2025 in Cr. Misc. No.39539 of 2025.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances, 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 A.C.J.M.-VII, Darbhanga in connection with Baheri P.S. Case No. 46 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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