

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77262 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- EKCHARI District- Bhagalpur

Radhe Mandal S/o Ramakval Mandal R/o village - Ekchari Diyara, P.S - Ekchari, District - Bhagalpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. ABC S/o XYZ R/o Village - Ekchari Diyara, P.S - Ekchari, District - Bhagalpur, State - Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 78308 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- EKCHARI District- Bhagalpur

- 1. Rajesh Kumar @ Rajesh Mandal S/o- Ramanandal @ Ramanand Mandal Resident of village- Ekchari Diyara, P.s.- Ekchari, District- Bhagalpur
- 2. Jogindar Mandal S/o- Late Chhedi Mandal Resident of village- Ekchari Diyara, P.s.- Ekchari, District- Bhagalpur
- 3. Mehendra Mandal S/o- Late Dhanraj Mandal Resident of village- Ekchari Diyara, P.s.- Ekchari, District- Bhagalpur
- 4. Manoj Kumar S/o- Late Subhash Mandal Resident of village- Ekchari Diyara, P.s.- Ekchari, District- Bhagalpur
- 5. Sonu Kumar S/o- Heera Lal Mandal Resident of village- Ekchari Diyara, P.s.- Ekchari, District- Bhagalpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Prakash Mandal S/o- Late Shanti Pd. Mandal R/v- Ekchari Diyara Ps- Ekchari Dist- Bhagalpur

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 77262 of 2025)
For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.
For the Informant : Ms. Ayushi Choudhary, Adv.
For the State : Mr. Ashok Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 78308 of 2025)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Swapnil Kumar Singh, Adv.
For the State : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 17-02-2026 As both these bail applications arise from the same



police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard N.K. Agrawal, learned senior counsel for the petitioners in Cr. Misc. No. 78308 of 2025 and Mr. Diwakar Upadhyay in Cr. Misc. No. 77262 of 2025, learned counsel for the informant and learned Additional Public Prosecutor for the State.

3. The petitioners seek bail in a case registered for the offence punishable under Sections 126(2), 127(2), 115(2), 117(2), 117(4), 118(2), 109, 74, 308(4), 308(5), 352, 351(2), 3(5) of the B.N.S. and Section 8/12 of the POCSO Act.

4. Allegation against the petitioners is of assaulting the victim and her brother with a heavy stick and also brutally burning her with iron rod in furtherance of common intention.

5. Learned senior counsel for the petitioners submits that the First Information Report itself indicates that on account of some allegations of theft, a dispute had taken place and consequently an allegation of assaulting the victim girl by the accused persons has been alleged. However, the statement of the victim girl herself under Section 183 of the B.N.S.S. has been pointed out wherein it has been clearly stated that no bad treatment or any sexual assault etc. has been committed with her



rather she has stated the story in a different manner making allegations on one Ino Devi and Adhani Mukhiya of having assaulted her and further allegation on four other persons of causing some burn injury to her. There is specific allegation upon one Ino Devi that she had brought the victim from her house and subsequently when the victim fell unconscious, she has reached back to her house. It has also been pointed that she has accepted that there was an allegation of theft of some money and jewelry upon her belonging to Rajesh Kumar who is one of the petitioner. Learned counsel has also submitted that at best this would be a case of teaching a lesson to the victim upon whom there was an allegation of theft but no allegations of intention of causing death etc. attracting provisions of Section 109 of the B.N.S. and the provisions of POCSO Act would be made out. Further, the petitioner is in custody since 09.08.2025 and the medial report indicates that the injury sustained by the informant are simple in nature caused by hard and blunt object.

6. Learned APP for the State and learned counsel for the informant have opposed the application for bail by submitting that there is an allegation on the petitioners in the First Information Report and even as per the statement under Section 183 of the B.N.S.S., the name of one of the petitioner



Sonu Kumar has also been taken.

7. Taking into consideration the facts and circumstances and also considering the fact that the present case has arisen out of some dispute over theft of money and jewelry with no apparent intentions of causing death of the victim coupled with the fact that the medical report also indicates simple injuries, let the above named petitioners, who have no criminal antecedent, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) 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 Ekchari P.S. Case No. 47 of 2025, subject to the conditions that the petitioner shall cooperate in the conclusion of trial and in case their non-cooperation, the trial court would be at liberty to cancel their bail bonds.

(Soni Shrivastava, J)

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