

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39514 of 2015

Arising out of PS.Case No. -171 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

Sudhir Mandal, S/o Banarsi Mandal, resident of Vill. - Govind Bigha, Shyam Tola, P.S. & Distt. - Lakhisarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Kumar Manglam
For the Opposite Party : Mr. Iftekhar Mahmood(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Lakhisarai P.S. Case No. 171 of 2015 for the offences instituted under Sections 147, 148, 149, 323, 337, 307, 504 and 506 of the IPC. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 6.3.2015 the programme organized by the son and *Gotias* of the informant on the occasion of *Holi* festival was going on, in the meantime, co-accused Rajesh Mandal arrived there and started abusing Ajeet Kumar and Rohit Kumar sons of the informant. Premi Devi (wife of the informant) and Surji Devi (mother of the informant) raised protest, upon which the accused/petitioner and other accused



persons armed with lathi, danda, bricks and stones arrived there and started throwing bricks and stones on the house of the informant. They also started assaulting the sons and the wife of the informant. It is further alleged that the wife of the informant, namely, Premi Devi was assaulted by the co-accused Anil Mandal, Rajesh Mandal and Lolu Mandal by means of lathi. They assaulted on the breast of the Premi Devi who sustained grievous injuries and became senseless. Co-accused Lolu Mandal also assaulted the informant by means of bricks. Ram Balak Mandal (father of the informant), Surji Devi (mother of the informant), Rohit Kumar and Sujeet Kumar (sons of the informant) were also assaulted by the accused/petitioner and others. It is also alleged that Premi Devi was admitted in the clinic of Dr. Himkar Saheb. The Doctor also referred Premi Devi to the P.M.C.H. for treatment. It is also alleged that previously there was dispute of land with the accused/petitioner. The co-accused Bino Mandal received rupees from the informant for executing the sale deed which was not executed in favour of the informant. The accused/petitioner and others are the own *Gotias* of the informant. It is also alleged that during course of treatment Premi Devi wife of the informant died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted

that the petitioner has falsely been implicated in the present case. Fro perusal of the F.I.R. it would appear that no specific overt act nor any injury has been attributed against the petitioner. The petitioner is only a member of unlawful assembly.

On behalf of the State it has been submitted that the petitioner has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Lakhisarai P.S. Case No. 171/2015, pending in the court of the learned C.J.M., Lakhisarai. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)