

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44790 of 2015

Arising Out of PS.Case No. -323 Year- 2015 Thana -KATIHAR District- KATIHAR

- =====
1. Shankar Mandal @ Shankar Kumar Son of Kala Chand Mandal, resident of village- Baigna, P.S.- Katihar Town, District- Katihar.
 2. Janak Mandal Son of Kala Chanda Mandal, resident of village- Baigna, P.S.- Katihar Town, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 14-10-2015

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in Katihar Town P.S. Case No. 323 of 2015 dated 27.05.2015 instituted under Sections 341/323/324/307/34 of the Indian Penal Code.

The allegation against the petitioners and other two co-accused is of assault and especially against petitioner no. 2 of causing injury by arrow.

Learned counsel for the petitioners submits that as per the F.I.R. itself it was a minor issue and there was scuffle and that the allegation of assault and injury by arrow against petitioner no. 2 is also false, as no injury report has been brought on record. Learned counsel submits that petitioners have no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that besides there being allegation of assault on the prosecution party, there is specific allegation of causing injury by arrow against petitioner no. 2.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 1 be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in Katihar Town P.S. Case No. 323 of 2015, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

The prayer for anticipatory bail of petitioner no. 2 stands rejected. However, in case the petitioner no. 2 surrenders and seeks regular bail, the Court below shall consider the same on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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