

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47291 of 2014

Arising Out of PS.Case No. -122 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

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1. Mukesh Kumar @ Mukesh Mandal Son of Subhash Mandal
 2. Raju Mandal Son of Late Butai Mandal
 3. Subhash Mandal Son of Late Butan Mandal
 4. Fulo Devi Wife of Subhash Mandal
 5. Havo Devi Wife of Late Butan Mandal

All are residents of Village/Mohalla - Malmohanpur, P.S. - Goradih,
District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

4 07-05-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend arrest in Jagdishpur
(Goradih) P.S. Case No. 122 of 2014 dated 19.05.2014
corresponding to G. R. No. 1701 of 2014 instituted under Sections
147/148/149/341/307/504/506 of the Indian Penal Code.

Petitioners are accused of assaulting the informant and his family members causing injury.

Learned counsel for the petitioners submits that except petitioners no. 1 and 2 against whom there is specific allegation of assault by iron rod ('*khanti*') and stick on the head, the allegation against the others is general and omnibus of assault. Learned counsel draws the attention of this Court to the injury report in which even though there are two lacerated wounds on the head but the same are simple in nature caused by hard blunt object. It is submitted there is no other injury. Learned counsel submits that all the petitioners are family members and the informant is next door neighbour and besides having no criminal antecedent, there is no past history of any dispute.

Learned A.P.P. opposes the prayer for anticipatory bail. However, he does not dispute the fact that only two injuries have been found on the head of the informant and that too simple in nature caused by hard blunt substance and against the others there is general and omnibus allegation of assault.

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 petitioners no. 3, 4 and 5 be released on bail upon

furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Jagdishpur (Goradih) P.S. Case No. 122 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners no. 3, 4 and 5 shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

Prayer for anticipatory bail of petitioners no. 1 and 2 stands rejected.

(Ahsanuddin Amanullah, J)

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