

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6631 of 2016

Arising Out of PS.Case No. - 158 Year - 2015 Thana - JAGDISHPUR District -
BHAGALPUR

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1. Subodh Mandal, Son of late Palakdhari Mandal.
 2. Munilal Mandal, Son of Ramji Mandal.
 3. Mansok Mandal @ Mantosh Mandal, Son of Ruplal Mandal.
 4. Kailash Mandal, Son of Sahdeo Mandal.
 5. Mukesh Mandal, Son of Late Ramdeo Mandal.
 6. Damodar Mandal, Son of Late Palakdhari Mandal.
 7. Mukesh Mandal, Son of Late Ramdeo Mandal.
- All are resident of village - Mohanpur, P.S. - Goradih,
District – Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan (SPL. PP.)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 14-03-2016 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Jagdishpur (Goradih) P.S. Case No.158 of

2015, disclosing offences under Sections 147, 148, 149, 341, 323 and 307/504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (x) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the petitioners appears to be right in his submission that, *prima facie*, no offence, under Section 3(1) (x) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, is made out against these petitioners inasmuch as it is not alleged that the occurrence had taken place in a public view. He secondly submits that the allegation that one of the accused persons opened fire is ornamental in nature and there is no allegation that any person received any fire arm injury. He also submits that there are 17 accused persons and the allegation, against all of them, is of general and omnibus nature. It is also being pointed out that no motive has been mentioned in the First Information Report as regards the reason behind the occurrence.

Considering the submissions, as above, this application is allowed. Let the petitioner Nos.1 to 7, abovenamed, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each

to the satisfaction of **learned Chief Judicial Magistrate, Bhagalpur**, in connection with **Jagdishpur (Goradih) P.S. Case No.158 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners, abovenamed, shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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