

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18458 of 2016

Arising Out of PS.Case No. -175 Year- 2015 Thana -MANIHARI District- KATIHAR

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1. Ashok Mandal S/o Late Paddu Mandal
 2. Brahmdev Mandal S/O Late Paddu Mandal
 3. Kapil Mandal S/o Late Paddu Mandal
 4. Tirthanand Mandal S/o Late Bhaddo Mandal
 5. Mahendra Mandal, S/o Late Parsadi Mandal,
 6. Umesh Mandal S/o Mahendra Mandal
 7. Manoj Mandal S/o Mahendra Mandal
 8. Fulwati Devi W/o Late Paddu Mandal
 9. Anita Devi W/o Ashok Mandal
 10. Sudha Devi W/o Brahmdeo Mandal All are resident of village- Sij No. 8, Dilarpur, P.S.- Manihari, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Indra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-04-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 324, 504, 307, 427/34 of the Indian Penal Code.

The prosecution case is that on 28.11.2015 10 accused persons came variously armed and started unloading construction materials at the land of informant and on protest being made petitioner No.1, Ashok Mandal, petitioner No.3, Kapil Mandal and petitioner No.5, Mahendra Mandal assaulted the informant with

sickle. Petitioner No.3 assaulted the son of informant, Ram Bilash Mandal, with sickle. Petitioner No.1 assaulted the wife of informant causing injury on her hand. Petitioner No.2, Brahmdev Mandal, assaulted the daughter-in-law of the informant. Other accused persons also assaulted the informant and his family members with lathi and rod.

It is submitted by the learned counsel for the petitioners that one injury each of the informant, his wife and son have been found to be grievous. There is counter version of the occurrence in which eight persons from the petitioners' side have received injuries.

Considering the fact that the injury caused by petitioner No.1, Ashok Mandal, petitioner No.3, Kapil Mandal and petitioner No.5, Mahendra Mandal have been found to be grievous, let the learned court below consider the prayer for regular bail of the petitioners No. 1, 3 and 5 in case they surrender within six weeks from today in connection with Manihari P.S. case No. 175 of 2015 pending in the court of learned J.M., 1st class, Katihar.

This application is disposed of with the aforesaid observation/direction.

So far as petitioners No.2, 4, 6, 7, 8, 9 and 10 are

concerned, accusation of assault is omnibus and general and there is counter version of the occurrence. Statement has been in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners Nos. 2, 4, 6, 7, 8, 9 and 10 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM, 1st class, Katihar in connection with Manihari P.S. Case No. 175 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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