

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37400 of 2016

Arising Out of PS.Case No. -321 Year- 2016 Thana -FORBESGANJ District- ARRARIA

1. Manikchand Mandal
2. Udichand Mandal
Both son of Late Janardan Mandal, Resident of Village- Aurahi Tar Tola,
P.S.- Simraha, Dist- Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Arun Kumar Mandal, Advocate

For the Opposite Party : Mr. Rajesh Kumar (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-09-2016 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend arrest in connection with
Forbesganj P.S. Case No. 321 of 2016 for offences alleged under
Sections 341, 323, 325, 307, 354B, 504, 506/34 of the Indian Penal
Code.

The prosecution case is that while the daughter-in-law
of the informant, namely, Bijli Devi went in the field to attend the
call of nature, the accused Manikchand Mandal caught hold of her
breast and started using filthy language. When she raised alarm,
the informant reached there, then the petitioner No.1, Manikchand
Mandal started assaulting the informant with lathi causing head

injury and the petitioner no.2, Udichand Mandal also started abusing the informant.

It has been submitted by the learned counsel for the petitioners that they are innocent and co-villagers and on inimical terms with each other, as such, they have been falsely implicated in the aforesaid case. He submits that the petitioners, who are brothers, have no criminal antecedent as is evident from para-3 of this application. It is submitted that no case under Section 307 of I.P.C is made out against them as the injury on the informant has been found to be simple in nature except injury no.4 which is on the left shoulder. He also submits that on the same day, there is a counter case registered by the petitioners against the informant bearing Forbesganj (Simraha) P.S. Case No.322 of 2016.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is a case and counter case and the petitioners have no criminal history, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction

of learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 321 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

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