

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39646 of 2016

Arising Out of PS.Case No. -196 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

- =====
1. Ganesh Prasad Mandal @ Ganesh Mandal
 2. Dilip Kumar Mandal @ Dilip Mandal, Both are sons of Late Ram Kishun Mandal, Resident of Mohalla- Bari Khanjarpur (Koeri Tola), P.S.- Barari, District – Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Subhash Kumar Jha, Advocate.

For the Opposite Party : Ms. Sahin Begam, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 24-11-2016 Heard both sides.

Learned counsel for the petitioners submits that petitioner no. 2 Dilip Kumar Mandal @ Dilip Mandal has already been arrested. Accordingly, prayer for anticipatory bail of petitioner no. 2 Dilip Kumar Mandal @ Dilip Mandal is dismissed as has become infructuous.

The petitioner no. 1 Ganesh Prasad Mandal @ Ganesh Mandal apprehends his arrest in Kotwali (Barari) P.S. Case No. 196 of 2016 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant named the petitioner along with other accused persons alleged that the accused persons having armed with different weapons came and Dilip Mandal assaulted his father

with hockey stick. Anita Devi and others also assaulted father of the informant. Ganesh Prasad Mandal @ Ganesh Mandal, the petitioner no. 1 assaulted the brother of the informant Rakesh Kumar with iron rod. Sushila Devi with Khanti and Abhishek Kumar with butt of revolver assaulted the brother of the informant. Ankita Kumari and Kavita Devi also assaulted the informant with different weapons. The informant, his brother and father have got different injuries on their heads.

Learned counsel for the petitioner submits that Ganesh Prasad Mandal @ Ganesh Mandal, petitioner no. 1 is alleged to have assaulted Rakesh Kumar, the brother of the informant, but the injuries found on the head is simple in nature as no fracture of skull was found. There is a counter version being Kotwali (Barari) P.S. Case No. 190 of 2016. Similarly situated co-accused namely Aditya Anand @ Lilly and others have already been granted anticipatory bail vide order passed in Cr. Misc. No. 27193 of 2016 on 11.07.2016.

Learned APP as well as learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner and submitted that petitioner no. 1 Ganesh Prasad Mandal @ Ganesh Mandal has got criminal antecedent and he is accused in as many as 12 cases but, in paragraph-3 of the bail petition, it is

stated that the petitioners have got clean antecedent.

Considering the facts aforesaid and the fact that the petitioner has conveniently and knowingly concealed the facts about his criminal antecedent, I am not inclined to enlarge the petitioner no. 1 Ganesh Prasad Mandal @ Ganesh Mandal on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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