

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46785 of 2015

Arising Out of PS.Case No. -181 Year- 2015 Thana -SURSAND District- SITAMARHI

- =====
1. Ram Bhagat Mandal Son of late Parichan Mandal null
 2. Kamal Mandal son of Ram Bhagat Mandal Both R/o Village Ragharpura, p.s Sursand District Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party : Mr. Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-02-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Sursand P.S. Case No. 181 of 2015 pending in the Court of CJM, Sitamarhi for the offences instituted under Sections 341, 323, 324, 379, 504, 302 and 506/34 of the Indian Penal Code.

As per prosecution case that on the date of occurrence the petitioners and other accused persons assaulted the wife of the informant badly with *lathi* and *danda* as a result of which, the wife of the informant sustained cut injury on her head and also took out a golden item from the possession of the wife of the informant, later on the informant died during course of treatment.

It has been submitted on behalf of the petitioners that

the petitioners have got no criminal antecedent. It is a case and a counter case between the parties. Both are agnates. No specific injury has been attributed against the petitioners. From perusal of the postmortem report, it appears that there is only one injury but the allegation is against three persons for assaulting the deceased by hard and blunt substance. There is admitted land dispute between the parties.

On behalf of the State and the counsel for the informant, it has been submitted that the petitioners are named in the FIR and in the postmortem report there is hard and blunt substance injury is found on the body of the deceased.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioners on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced and, if possible, the same may be disposed of preferably on the same day.

(Sudhir Singh, J)

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