

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11064 of 2017

Arising Out of PS.Case No. -145 Year- 2016 Thana -TIKAPATTI District- PURNIA

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1. Lalo Mandal @ Asim Kumar S/o Brij Kishore Mandal
 2. Akhilesh Kumar Mandal @ Tippu Mandal S/o Late Birendra Mandal
 3. Mithlesh Mandal @ Mithlesh Kumar Mandal S/o Late Birendra Mandal
 4. Pankaj Mandal @ Pankaj Kumar Mandal S/o Birendra Kumar Mandal
- All are residents of Village - Koshkipur, P.S. - Tikapatti, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-04-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 326/307/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to F.I.R. seven named accused persons including the petitioners fired at the informant as a result whereof the informant sustained fire-arm injury. The doctor has found single wound of entry and exit at the lumbar area of the informant.

Submission of the petitioner is that due to old dispute



false allegation is there and even if allegation is assumed to be correct, it is difficult to attribute as to which of the seven persons caused the single fire-arm injury to the informant. Besides informant there is no other witness of the occurrence, which would be evident from the case-diary.

Learned counsel for the informant opposed the prayer on the ground that the petitioners have disclosed some of the criminal antecedents in para-3 of the bail petition; whereas some others have been suppressed. Even there is allegation of commission of assault to the father, by the petitioners.

Considering the general and omnibus allegation as well as the fact that seven persons are alleged to have fired; whereas single injury has been found by the doctor, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea/Successor Court in connection with Tikapatti Police Station Case No.145 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioners shall fully



cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioners in this case.

Mkr./-

(Birendra Kumar, J)

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