

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25049 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -BELDAUR District- KHAGARIA

=====

1. Sadanand Singh, son of Saryug Singh,
2. Dhiraj Kumar @ Dhiraj Kumar Singh, Son of Sadanand Singh, Both Resident of village- Murasi, P.S. Beldour, District- Khagaria.
3. Dilip Mandal, son of Ram Khelawan Mandal.
4. Binodi Mandal, Son of Chandeshwari Mandal.
5. Kailash Mandal, son of Chandeshwari Mandal, All Resident of Village Kehar Mandal Tola P.S. Beldour, District Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 19-08-2017 Learned counsel for the petitioners submits that petitioner no. 4, Binodi Mandal, has been arrested by the police, so he seeks permission to withdraw this application with respect to him.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no. 4, Binodi Mandal.

Heard learned counsel for the petitioner nos. 1, 2, 3 and 5 and the learned A.P.P. for the State.

The petitioner nos. 1, 2, 3 and 5 apprehend their arrest in connection with Baldour P.S. Case No. 28 of 2017, registered under Sections 341, 342, 323, 324, 354(A), 307, 504, 506 and



379/34 of the Indian Penal Code.

The accusation is that, on 09.02.2017, in the morning, while, informant Mira Devi, was present at her house then petitioner nos. 1 and 3 reached there and carried her forcible in the bamboo plant and tried to commit rape. On raising alarm, both fled away. Thereafter, informant came at her house and narrated the incident to her daughter and moved to the Police Station with her daughter but in the way, petitioner nos. 2, 4 and 5 surrounded the informant and her daughter and started to abuse them. At that time, petitioner no. 2 gave Dabia blow, which hit at the palm of the informant, on which, she fell down then all caused injury to her and her daughter.

Learned counsel for the petitioners submits that while six injuries were found on the person of informant and three injuries were found on the person of his daughter but only one injury, which is said to be grievous, is sustained by the informant at her palm. Further submission is that occurrence took place due to old land dispute as earlier family members of the informant assaulted the petitioners' side, regarding which, Beldour P.S. Case No. 190 of 2016 was instituted on the basis of written report of Chandeshwari Mandal, father of petitioner nos. 4 and 5. It is further submitted that petitioner no. 1, Sadanand Singh, is aged about 75 years and no specific overt act has been attributed against



him about causing assault to the informant and her daughter.

Considering the aforesaid submissions, let the above named petitioner no. 1, Sadanand Singh, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 the Additional Chief Judicial Magistrate-III, Khagaria, in connection with Baldour P.S. Case No. 28 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner nos. 2, 3 and 5 are concerned, having considered the facts and circumstances of the case and the nature of allegation against them, I am not inclined to grant anticipatory bail to the petitioner nos. 2, 3 and 5. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 2, 3 and 5 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--

