

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61355 of 2017

Arising Out of PS. Case No.-145 Year-2017 Thana- AMDABAD District- Katihar

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1. Naresh Mandal, S/o-Late Harangi Mandal,
 2. Manoj Mandal S/o-Naresh Mandal, Both are R/o- Village- Chama, P.S.- Amdabad, District- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2017 Heard learned counsels for the petitioners and State.

It is submitted by learned counsel for the petitioner that petitioner no.1, Naresh Mandal has been arrested, hence the present application with regard to petitioner no.1, Naresh Mandal has become infructuous.

Accordingly, the application with regard to petitioner no.1, Naresh Mandal is disposed of.

The petitioner no.2 is apprehending arrest in a case registered for the offences punishable under Sections 323, 504, 324, 307, 341 and 34 of the IPC.

The prosecution case is that the informant stored soil in front of his house which was being wasted by the accused persons being the neighbour of the informant, by tying their



animals on the soil. On 15.09.2017 at 6 AM, when the informant protested, co-accused Bablu Mandal, Naresh Mandal, Pinki Mandal and petitioner no.2, Manoj Mandal assaulted the son of informant namely, Krishna Mandal. It is specifically alleged that Bablu Mandal assaulted on the head of the other son of the informant, namely, Gyani Mandal by sickle. The impugned order reflects that the injury of Krishna Mandal has been found to be grievous.

It is submitted by learned counsel for the petitioner that the accusation of assault against the petitioner no.2 is omnibus and general and for a petty dispute, the accusation has been levelled. There is counter version of the occurrence also. A statement has been made in paragraph no.3 of the petition that the petitioner no.2 is not having any criminal antecedent.

Considering the fact that accusation of assault is omnibus and general against the petitioner no.2 and only one injury of Krishna Mandal has been found to be grievous, which is not specifically alleged against petitioner no.2, let the above named petitioner no.2 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Amdabad P.S. Case No. 145 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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