

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8644 of 2017

Arising Out of PS.Case No. -53 Year- 2016 Thana -SRI NAGAR District- MADHEPURA

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1. Shambhu Mandal,
 2. Ashok Mandal, Both are son of Chandeshwari Mandal, All are resident of Village- Khutha Rajai, P.S.- Shree Nagar, District- Madhepura.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party : Mr. Pawan Kumar Chaurasiya (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 17-04-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Shreenagar P.S. Case No. 53 of 2016, registered for the offences punishable under Sections 147, 148, 149, 150, 341, 342, 504, 506, 323, 324, 307, 354, 380 of the Indian Penal Code.

The allegation against the petitioner Shambhu Mandal is that he and Indal Mandal with an intention to kill Chhedi Mandal assaulted with iron rod and farsa causing serious injury to him, resulting, he fell down and when Nilam Devi went for rescue, he was assaulted by Ashok Mandal and Mohan Mandal with fists and slaps and her sari was torn and she became



naked and then silver chain of six bhars was snatched by them.

Submission is of false implication and that no such occurrence has taken place, the injury caused to Chhedi Mandal is not dangerous to life, private hospital i.e. Max Hospital has given opinion that the injuries is grievous without mentioning the injury, the allegation regarding snatching of chain is ornamental in nature and has been alleged only with a view to give colour to the case. There is case and counter case, both sides have received injuries and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that against Shambhu Mandal there is allegation for assaulting Chhedi Mandal the father of the informant on his head with iron rod and the nature of injury has been found grievous.

In the facts and circumstances as stated above, considering the allegation attributed against the **petitioner Shambhu Mandal, I am not inclined to grant privilege of pre-arrest bail** to him and accordingly his such prayer stands rejected.

So far as **petitioner Ashok Mandal** is concerned **that in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/-**



(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Shrinagar P.S. Case No. 53 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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