

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39565 of 2017

Arising Out of PS.Case No. -75 Year- 2017 Thana -RAJAUN District- BANKA

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1. Jai Hind Mandal Son of late Hiro Mandal
2. Pappu Mandal Son of late Hiro Mandal
3. Rupesh Mandal Son of Sanjay Mandal
4. Hiralal Mandal Son of Late Kishori Mandal
5. Sanjay Mandal Son of late Kishori Mandal, All are resident of Village- Kisanpur, P.S. Rajaun, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bijay Mandal Son of late Tulsi Mandal, Resident of Village- Kisanpur, P.S. Rajaun, District-Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Sri Anil Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioners and learned counsel for the State and perused the record.

The petitioners apprehend arrest in connection with Rajaun Police Station Case No. 75 of 2017 registered for the offence(s) punishable under section(s) 147, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The allegation, as per written report, is that all the petitioners along with other co-accused, armed with *Lathi and Farsa* came at the door of the informant and abused him and also assaulted his son and wife. The cause of dispute between the parties is land dispute.



On perusal of FIR, I find that the allegation of assault is specific against petitioner no. 1-Jai Hind Mandal and petitioner no. 2-Pappu Mandal. They assaulted the son of informant. The injury report of injured Mithun Kumar has been annexed as Annexure-4 to this application, which shows that the son of informant sustained two injuries. Out of which, one was found grievous in nature, which is fracture on frontal bone. The patient was referred to Jawahar Lal Nehru Medical College Hospital, Bhagalpur for better treatment.

Considering the specific allegation of causing fracture injury to the son of informant, I am not inclined to grant anticipatory bail to petitioner no. 1-Jai Hind Mandal and petitioner no. 2-Pappu Mandal and accordingly, their prayer is rejected.

So far the prayer with regard to petitioner no. 3, 4 and 5 is concerned, allegation against them appears omnibus. The injury sustained by the informant and his wife, were found simple in nature and so, considering the omnibus allegation against them, their prayer for anticipatory bail is allowed. The petitioner nos. 3, 4 and 5, namely, Rupesh Mandal, Hiralal Mandal and Sanjay Mandal, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on their furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two



sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Banka in connection with Rajaun Police Station Case No. 75 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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