

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15381 of 2018

Arising Out of P.S.Case No. -163 Year- 2017 Thana -BIHARIGANJ District- MADHEPURA

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1. Mithilesh Mandal, Son of Bisho Mandal,
2. Rudal Mandal, Son of Dipan Mandal,
3. Dipan Mandal, Son of Late Dina Mandal,
4. Dhanraj Mandal, Son of Naresh Mandal,
5. Nakshttra Mandal, Son of Nageshwar Mandal,
6. Tempu Mandal alias Anil Mandal,
7. Sunil Mandal, Both 6 to 7 sons of Nageshwar Mandal, All are residents of Village- Jotaili, Police Station- Bihariganj, District- Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 09-04-2018

Heard.

The petitioners apprehend arrest in connection with Bihariganj P.S.Case No.163 of 2017 registered for an offence under Section 379 and other allied sections of the IPC.

It has been submitted that the family members of the informant and petitioners are at litigating term for the land of plot no.833. The dispute has been decided in favour of Mithilesh Mandal (petitioner no.1) in Mutation Case No.35 of 2017. There is also a counter case bearing Bihariganj P.S.Case No.163 of 2017 which was lodged by the petitioner no.1. The allegation of causing injury is specific against Naresh Mandal. The injury which has been allegedly caused by Sunil Mandal has been



found simple in nature. The allegation of assault is omnibus against all the petitioners.

Learned APP opposed the submissions.

Considering the simple nature of injury as well as omnibus allegation of assault, prayer for anticipatory bail is allowed. Let the above named petitioners in the event of their arrest or surrender before the court below within six weeks from today be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Ist Class, Udakishunganj, district-Madhepura in connection with Bihariganj P.S.Case No.163 of 2017, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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