

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19961 of 2018

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

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Chandan Mandal S/o Hiralal Mandal, R/o Village- Kishanpur, P.S.- Rajaun,
District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 06-04-2018

Heard learned counsel for the petitioner and

learned APP the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 147,
149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report
of informant Vijay Mandal dated 07.03.2017 submitted to
Station House Officer of Rajaun P.S. is to the effect that on
07.03.2017 at 6.00 A.M. in the morning the informant was
sitting at his door, in the meantime, six accused persons
including the petitioner started abusing the informant. On alarm
being raised the villagers came. In the meantime, petitioner
Chandan Kumar assaulted the son of the informant with Farsa as
a result he got unconscious. The wife of the informant was also



assaulted by co-accused Hira Mandal with lathi. Co-accused Pappu and Jaihind assaulted Mithun Kumar. The accused persons threatened the informant to kill in the eventuality of lodging any case by him.

It is submitted by learned counsel for the petitioner that the impugned order suggests that out of injuries caused by Pappu and Jaihind to Mithun only one has been found to be grievous. The impugned order does not suggest that any grievous injury was caused by the petitioners to the son of the informant. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that there is specific accusation against the petitioner to have made assault.

Considering the fact that there is no accusation of repeating the blow by the petitioner, the injury caused by the petitioner is simple in nature and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Banka in connection with Rajaun P.S.
Case No. 75 of 2017, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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