

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38082 of 2018**

Arising Out of PS.Case No. -43 Year- 2016 Thana -BAUNSI District- BANKA

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1. Rajnish Mandal @ Rajnish Kumar Mandal, Son of Mahesh Mandal,  
2. Usha Devi, Wife of Mahesh Mandal, Both are resident of village-  
Kishanpur, P.S.- Bounsi, District- Banka.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party.

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**Appearance :**

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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

ORAL ORDER

2      06-07-2018

Heard learned counsel for the parties.

Petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 337, 308, 506, 509 of the Indian Penal Code.

The prosecution case as per the written report of Sudama Devi submitted before SHO of Baunsi Police Station on 05-04-2016 is to the effect that on 04-04-2016 at about 12.00 A.M., the informant along with her husband and other family members was fishing in the pond and was selling fish to the purchasers. In the meantime, Mahesh Mandal, Katki Mandal, Priyanka Devi and the two petitioners came to the pond and started abusing and assaulting the informant. In the meantime,



Rajnish Mandal and Usha Devi fled away taking 50 kgs. of fish. It is also alleged that Petitioner No. 2 Usha Devi, hurled a brick causing injury on the head of the informant. When the husband of the informant came to rescue, then Petitioner No. 1 Rajnish Mandal assaulted him by a bamboo stick causing injury in the right hand of the husband of the informant. It is also alleged that Mahesh Mandal and Rajnish Mandal threatened of dire consequences. The informant first tried to get the issue reconciled through Panchayati but the issue could not be reconciled.

It has been submitted on behalf of the petitioners that the date of occurrence is 04-04-2016 at 12.00 P.M. but and the FIR was registered on 05-04-2016 at about 2.30 P.M. while the Police Station is only four kilometers away from the place of occurrence. The impugned order reflects that only one simple injury has been found on the person of husband of the informant. Moreover, a case being Bounsi P.S. Case No. 42 of 2016 has been also lodged by petitioner No. 2 with accusation for the offences punishable under Sections 147, 148, 149, 341, 323, 509 of the Indian Penal Code at earlier point of time against the informant.

Learned counsel for the State submits that petitioners are named in the FIR.

Considering the genesis of the occurrence coupled with



single injury being found and case having been lodged with delay, as also the fact that a case was lodged by the petitioners side at earlier point of time, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Banka in connection with Bounsi P.S. Case No. 43 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Dinesh Kumar Singh, J)**

A.K.V./-

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