

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57934 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- FORBESGANJ District- Araria

Subodh Kumar Mandal @ Subodh Kumar, S/o Mahesh Mandal, resident of
Village- Banshbari, P.S. Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.
For the Opposite Party/s : Sri Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
307,323,325,341,354,379,504/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report submitted by Soni Devi to the Station House Officer,
Simraha Police Station is to the effect that 11 FIR named
accused persons, including the petitioner, came armed with
lathi, danda and iron road and began indiscriminately assaulting
the husband of the informant, her nephew Munna Kumar and
son Roshan. It is specifically alleged that the son, nephew and
husband of the informant, were assaulted by co-accused,
Dayanand Mandal by iron rod, causing head injuries to the son



and nephew, whereas, fracture injury was caused to the husband of the informant on his right arm. When the informant tried to rescue them, then co-accused, Sunil Mandal dragged her by catching her hair, while other accused persons brutally assaulted her with kicks and blows. In the meantime, co-accused, Rahul took away gold chain worth Rs.30,000/- from the neck of the informant and tore her clothes.

It is submitted by learned counsel for the petitioner that in the background of a dispute between the parties, Forbesganj P.S. Case No.58 of 2018 has been lodged by Sunil Mandal, since the husband of the informant forcibly ploughed the field of co-accused persons and on protest the informant's husband and others assaulted co-accused Sunil Mandal. There is no specific accusation against the petitioner, rather it is against co-accused, Dayanand Mandal and Sunil Mandal, who have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 23529 of 2018 and Criminal Miscellaneous No. 21979 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner.



Considering the accusation against the petitioner being omnibus and general and the persons against whom there is specific accusation of assault have been granted anticipatory bail, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Araria, in connection with Araria Forbesganj (Simraha) P.S. Case No.60 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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