

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44485 of 2018

Arising Out of PS.Case No. -196 Year- 2017 Thana -DHURAIYA District- BANKA

- =====
1. Domi Mandal, Son of Lakshman Mandal,
 2. Foudari Mandal @ Fouj Mandal, Both Resident of Village- Batsar, P.S.-
Dhoraiya, Dist.- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 28-09-2018

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in
a case registered for the offences punishable under Sections 147 /
148/149/341/323/325/324/307/379/504/506 of the Indian Penal
Code.

Petitioner No.1 Domi Mandal was simply a
member of unlawful assembly. No overt-act is alleged against
him.

Hence, let petitioner No.1 Domi Mandal, in
the event of his arrest or surrender before the Court below within a
period of thirty days from the date of receipt of the order, be
released on bail on furnishing bail bonds of Rs.20,000/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Dhoraiya Police Station Case No.196 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

Petitioner No.2 Foudari Mandal @ Fouj Mandal allegedly caused injury at the head of Kirtan Yadav. The doctor has found head injury simple in nature.

Submission is that there is no allegation of repetition of blow. Hence, intention to cause death is not made out. There is case and counter case.

Considering the fact that since petitioner No.2 Foudari Mandal @ Fouj Mandal had knowledge that his act might cause death, I am not inclined to grant him anticipatory bail. Hence, the prayer for anticipatory bail is refused.

Accordingly, the application stands disposed of.

(Birendra Kumar, J)

Mkr./-

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