

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27368 of 2018

Arising Out of PS. Case No.-318 Year-2016 Thana- RANIGANJ District- Araria

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Sadanand Mallah, S/o Deo Mallah, Residents of Vill.- Kharsahi Jagta, P.S.-
Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Adv.

For the Opposite Party/s : Sri Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-05-2018 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
147/148/149/341/342/323/325/307/379/504/506 of the Indian
Penal Code.

The prosecution case got initiated on the basis of written
report submitted by Yoganand Bahardar to the Station House
Officer, Raniganj Police Station to the effect that on 21.11.2016
at 7.00 P.M., the informant and his brother Dayanand Bahardar,
Mashanand Bahardar were going to purchase vegetable from
Jagta Hat, but before they could reach to the hat, they were



surrounded by 9 accused persons, including the petitioner. In the background of quarrel between the children of both sides, the petitioner initially abused and then assaulted the brother of the informant, Mayanand Bhardar with iron rod, causing bleeding injury on his head. As a result, he fell down, thereafter, Mithu Mallah assaulted on the head of the other brother of the informant namely Dayanand Bahardar with lathi. The informant tried to pacify the matter but then he was also assaulted. The accused person snatched the bicycles of the informant and his brothers. On alarm being raised, the villagers reached on the spot and tried to help the informant, then the petitioner and co-accused Maheshwari Mallah took the informant and confined him in a room for two days.

It is submitted by learned counsel for the petitioner that in the background of quarrel between the children of both sides, the accusation has been levelled. The petitioner is alleged to have assaulted with lathi to Mayanand Bhardar, who has received four incised injuries, out of four injuries, three injuries are simple in nature, but the opinion about the fourth injury has been kept reserved. The accusation is of making assault with iron rod, but the injuries have been found incised caused by sharp object. There is counter version of the occurrence also



being Raniganj P.S. Case No. 326 of 2016, registered with accusation for the offences punishable under Sections 147/148/149/341/323/325/307/379/504/506 of the I.P.C lodged by co-accused Siyaram Mallah against the informant and others. Moreover, seven co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No.62581 of 2017. 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 in the FIR against the petitioner to have assaulted the brother of the informant with iron rod.

Considering the fact that there is no accusation of repeating the blow, accusation is not being corroborated by the medical opinion, there is counter version of the occurrence, and above all, the co-accused persons 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
CJM, Araria, in connection with Raniganj P.S. Case No.318 of
2016, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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