

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76151 of 2018

Arising Out of PS. Case No.-230 Year-2018 Thana- BIHARIGANJ District- Madhepura

1. Manohar Mandal, S/o Late Bhuneshwar Mandal
2. Bhola Mandal, S/o Jeevlal Mandal
3. Ramchandra Mandal, S/o Ram Prasad Mandal
4. Jugo Mandal, S/o Ram Prasad Mandal, All are residents of Village- Manjoura Bhagwari Asthan, P.S. Bihariganj, District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners. Learned counsel for the State is not present.

The petitioners are seeking anticipatory bail in connection with Bihariganj P.S. Case No. 230/2018 registered under Sections 341/323/307/354A/379/504/506/34 of the Indian Penal Code, pending in the court of learned J.M.-1st Class, Uda-Kishunganj, Madhepura.

Learned counsel for the petitioners submits that even though the petitioners are said to be the members of the mob which assaulted the informant, but so far as specific allegation of assault is concerned, it is against co-accused Bhulan Mandal and Raj Kishore Mandal. It is further submitted that there is a counter case lodged by Manohar Mandal, who is petitioner no. 1



in the present case.

Learned counsel representing the informant submits that on perusal of the impugned order it will appear that the petitioners along with others had assaulted the informant who was a witness in another case and as many as four grievous injuries have been found on his body.

Learned counsel thereafter submits that the kind of assault committed in the present case shows that all the accused persons were involved in commission of the offence with common intention. Learned counsel submits that there are criminal antecedents of these petitioners but that has not been disclosed in the present petition.

In the given facts and circumstances where it appears that parties have participated in the alleged occurrence and four injuries have been found on the body of the informant namely, Biren Mandal, I am not inclined to grant anticipatory bail to these petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected.

However, in case the petitioners surrender in the court below within a period of four weeks from today, their application for grant of regular bail shall be considered by the



court below on its own merit and on the basis of the materials available on the record.

The application shall not be rejected in a routine manner only because this court has rejected the anticipatory bail application of the petitioners.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

