

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15884 of 2018

Arising Out of PS.Case No. -163 Year- 2017 Thana -BIHARIGANJ District- MADHEPURA

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1. Ashok Mandal,
2. Prithvi Mandal, Both Sons of Bisho Mandal,
3. Bisho Mandal S/o Late Bulu Mandal,
4. Naresh Mandal, S/o Dipan Mandal,
5. Pramod Mandal S/o Dipan Mandal,
6. Nageshwar Mandal S/o Late Kusheshwar Mandal, All are R/o Village-
Jotaili, P.S.- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh, App.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-05-2018

Heard learned counsel for the petitioners and the State.

The petitioner apprehends arrest in Bihariganj P.S. Case No. 163 of 2017 instituted for the offence under Sections-323, 341, 342, 307, 379, 504, 506/34 of the Indian Penal Code.

After some arguments, learned counsel for the petitioners seeks permission to withdraw the application so far as petitioner no. 2 is concerned.

Permission is accorded.

So far as petitioner no. 4 is concerned, there is specific allegation against him of assaulting with Dabiya on the head of Popal Mandal, which caused cut injury on his vital organ. Informant has also sustained two lacerated wounds. Therefore, I am not inclined to grant anticipatory bail to petitioner no. 4. Hence his prayer for bail stands



rejected.

So far as petitioner nos. 1, 3, 5 and 6 are concerned, there is general and omnibus allegation of assaulting against them in the written report.

In such circumstances, prayer for anticipatory bail of petitioner nos. 1, 3, 5 and 6 is allowed and it is ordered that in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Biharganj P.S. Case No. 163 of 2017 to the satisfaction of learned Judicial Magistrate-1st Class, Uda Kishunganj, Madhepura subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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