

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41609 of 2018

Arising Out of PS.Case No. -93 Year- 2018 Thana -RAJAUN District- BANKA

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1. Roshan Kumar, S/o Arun Kr. Mandal @ Arna @ Arun Singh,
2. Arun Kr. Mandal @ Arna @ Arun Singh, S/o Late Khublal Mandal, Both
R/o Vill.- Alipur, P.S.- Rajoun, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-08-2018 Heard learned counsel for the petitioners, the
informant as well as the State.

The petitioners apprehend their arrest in Rajoun P.S.
Case No. 93/2018, instituted for the offences punishable under
Sections 341, 323, 324, 307, 379, 385, 504 and 506/34 of the
Indian Penal Code.

In the written report, it is alleged that petitioner no. 2
assaulted the informant with *Khanti* on his head due to which he
fell down. Thereafter, the brother of the informant came to
intervene then wife of petitioner no. 2 gave spade blow causing
injury on his head. The brother of informant fell down on the
ground and thereafter children of petitioner no. 2 started
indiscriminate assault by iron rod.



Case diary has been received in this case.

Learned Additional P.P. has submitted that in the injury report of Neeraj Kumar one of the injury is found to be grievous in nature. He has also submitted that the injury sustained by the informant on his head is opined to be simple in nature.

From para 3, it appears that two other cases are also pending against petitioner no. 2.

Therefore, this Court is not inclined to grant anticipatory bail to petitioner no. 2. Accordingly, his prayer for bail is rejected.

So far as petitioner no. 1 is concerned, there is no specific allegation against him.

The prayer for anticipatory bail of petitioner no. 1 is allowed. In the event of surrender/arrest of petitioner no. 1, named above, within six weeks from today, in connection with Rajoun P.S. Case No. 93/2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, subject to the conditions as laid down under Section 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) petitioner 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 petitioner 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 petitioner.

(Sanjay Priya, J.)

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