

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27050 of 2018

Arising Out of PS. Case No.-51 Year-2017 Thana- HATHAURI District- Samastipur

1. Lalan Mandal,
2. Ram Sukhit Mandal,
Both Sons of Yaduni Mandal,
3. Ram Sogarath Mandal, S/o Late Prameshwar Mandal,
All Residents of Vill.- Ramaul, P.S.- Hathauri (Shivajee Nagar
O.P.), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 307, 323, 324, 341,
354, 379, 447 and 34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 18.03.2016 submitted by Sita Devi to the Shivaji
Nagar (O.P.) Police Station, to the effect on 18.06.2017 at 6.15
P.M., Suresh Mandal was filling soil over the land of the



informant. On protest being made, co-accused, Suresh Mandal entered into the house of the informant and assaulted her. When the informant's husband and sons and others came to save her then other accused persons including the petitioners came armed with lathi and danda and started assaulting the informant, her husband and her sons indiscriminately. It is specifically alleged against co-caused Suresh Mandal that he assaulted informant's son Ranjeet Kumar with rod causing injury on his head, whereas, co-accused Manish Kumar assaulted other son of the informant namely Sanjeet Kumar with lathi causing bleeding injury, while other accused alleged to have also assaulted them with lathi and danda. It is also alleged that in course of assault, petitioner no.1, Lalan Mandal snatched gold chain worth Rs.15000/- from the neck of the informant.

It is submitted by learned counsel for the petitioners that for the occurrence of 18.06.2017, at 6.15 PM, the FIR was registered on 19.06.2017 at 09.05 A.M. The specific accusation of assault is only against Suresh Mandal and Manish Kumar. The accusation against petitioner no.1 of snatching the gold chain, is more cosmetic in nature. There is a counter version of the occurrence being Hathauri P.S. Case No. 52 of 2017, lodged at the behest of Suresh Prasad Singh against the informant.



Moreover, co-accused Suresh Mandal and Manish Kumar, who are alleged to have assaulted the sons of the informant and one of the injuries of Ranjeet Kumar has been found grievous, caused by co-accused Suresh Mandal, have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 10558 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that petitioners are named in the FIR.

Considering the genesis of the occurrence, keeping in view the fact that specific accusation of assault is against co-accused Suresh Mandal and Manish Kumar, who have been granted anticipatory bail by a co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Rosera, Samastipur, in connection with Hathauri P.S. Case No.51 of



2017, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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