

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28103 of 2018

Arising Out of PS.Case No. -185 Year- 2017 Thana -JOGBANI District- ARRARIA

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1. Gholtu Mandal son of Mantu Mandal
2. Andika Devi wife of Gholtu Mandal
3. Fakir Chand Mandal son of Late Lakshmi Mandal
4. Lakir Chand Mandal @ Lakir Mandal son of late Lakshmi Mandal
5. Arti Devi wife of Lakir Chand Mandal
6. Shanti Devi wife of late Lakshmi Mandal All are residents of village Bathnaha, Police Station - Jogbani, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-05-2018 The petitioners are apprehending their arrest in connection with Jogbani (Bathnaha) P.S. Case No. 185 of 2017, registered for offences punishable under Sections 147, 341, 342, 323, 307 and 504 of the Indian Penal Code.

Allegation is that petitioner no. 1 assaulted with handle of tube well on the head of the informant and petitioner no. 3 assaulted the son of informant by means of *fatta* and other petitioners also participated in occurrence.

It has been submitted on behalf of the petitioners that except petitioner no. 1 and 3, no specific allegation has been attributed to rest of the petitioners and opinion with regard to injury caused on the head of informant by the assault of petitioner



no. 1, has been kept reserved and injury caused to son of the informant, which was assaulted by petitioner no. 3 was found to be simple in nature.

Heard learned A.P.P. also.

Having heard both sides, so far petitioner no. 1 is concerned, I am not inclined to grant him the privilege of anticipatory bail rather he should surrender before the court below and pray for regular bail, which will be considered on the merit of the case.

So far other petitioners are concerned, considering the fact that no specific allegation has been attributed to them and though there is allegation against petitioner no. 3 that he assaulted on son of informant by means of *fatta*, however, the injury caused to him was found to be simple in nature, as such, let the petitioner nos. 2 to 6, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -1st Araria, in connection with Jogbani (Bathnaha) P.S. Case No. 185 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further



subject to the condition that:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

With the above observation and direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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