

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26528 of 2018

Arising Out of PS.Case No. -370 Year- 2017 Thana -CHAUSA District-MADHEPURA

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1. Ayodhi Mandal S/o Late Basudeo Mandal
 2. Gautam Mandal S/o Bindeshwari Mandal
 3. Mukesh Mandal S/o Bindeshwari Mandal
 4. Geni Mandal S/o Bindeshwari Mandal
 5. Hulla Mandal S/o Daso Mandal @ Dashrath Mandal
 6. Bilash Mandal S/o Kallar Mandal
 7. Md. Unis S/o Late Saeed
 8. Md. Rajid S/o Md. Unis
 9. Md. Panchu S/o Late Saeed
 10. Md. Sharif S/o Md. Panchu

All residents of village - Manoharpur, P.S. Chausa, District-Madhepura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Binod Kumar 3, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Chausa P.S. Case No. 370 of 2017 registered under Sections 341,
323, 427, 384, 354, 504 and 506 read with 34 of the Indian Penal



Code.

Learned counsel for the petitioners submitted that there is case and counter case and the instant case has been registered in order to save skin from Chausa P.S. Case No.372 of 2017 registered inter alia under Sections 307 of the Indian Penal Code and 27 of the Arms Act on the basis of statement of Anirudh Mandal brother of petitioner no.5 Hulla Mandal against the informant and his associates of the instant case. It is further submitted that the ingredients of the offence punishable under Section 304 of the Indian Penal Code are not attracted even on admitted facts of the case and so far as section 384 of the Indian Penal Code is concerned, the same is merely a super-addition in order to make the offence graver. It is submitted that the injuries sustained by all the injured persons have been found to be simple, which would appear from the impugned order.

On the other hand, learned counsel for the State submitted that there is allegation of causing injury to five persons and even though injuries are simple, the charges are quite serious.

Having heard the parties, in view of the submissions made above and the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks



from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Udakishunganj, Madhepura in connection with Chausa P.S. Case No. 370 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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