

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2664 of 2019

Arising Out of PS. Case No.-70 Year-2018 Thana- SARSI District- Purnia

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1. Bedanand Mandal, son of Kulo Mandal
 2. Rajesh Mandal @ Rajesh Kumar Mandal, son of Kulo Mandal
 3. Kulo Mandal, son of Ghoghan Mandal
 4. Savittar Mandal, son of Late Babu Lal Mandal
- All Residents of village- Maliniya PS Sarsi District Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha
For the Opposite Party/s : Mr. Ram Sumiran Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-01-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sarsi Police Station Case No. 70 of 2018, disclosing offences under Sections 147, 148, 149, 341, 325, 324, 379, 307, 427, 504 and 506 of the Indian Penal Code.

Learned Counsel appearing on behalf of the petitioners has drawn my attention to Annexure 3 of this application to submit that there is land dispute between the parties.

On perusal of the First Information Report, I find that there is allegation against petitioner no. 3 of having assaulted



the father of informant with a bamboo on his head causing injury. The said injury has been found to be grievous. There is also allegation of snatching of a sum of Rs. 70,000/- from the informant's father. There is allegation in the First Information Report that the accused persons, 10-12 in number, were armed variously with lathi, farsa, iron rod and Kulo Mandal, petitioner no. 3, was carrying musket. Had there been any intention to kill the informant's father or the informant, the accused persons could have used other weapon which they were carrying or they would have repeated the blow, which allegation is not there in the First Information Report.

In my view, a case for grant of anticipatory bail is allowed.

Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea, in connection with Sarsi Police Station Case No. 70 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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