

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14586 of 2019

Arising Out of PS. Case No.-279 Year-2018 Thana- TATARPUR District- Bhagalpur

1. RAVI KUMAR Son of Kunjeb Mandal, Male aged about 22 years
 2. Raju Kumar @ Raju Mandal Son of Ramdeo Mandal, male, aged about 18 years.
 3. Chandan Kumar @ Chandu @ Chandan Son of Kunjeb Mandal, Male, aged about 19 years.
 4. Anil Kumar Son of Kunjeb Mandal, Male, aged about 20 years.
 5. Prabhash Kumar Son of Hira lal Mandal, Male, aged about 19 years.
 6. Ramdeo Mandal Son of Anarshi Mandal, Male, aged about 45 years
 7. Gita Devi Wife of Kunjeb Mandal, Female, aged about 50 years.
- All are resident of Village - Parbatti, P.S.- University, Distt - Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Tatarpur (University) P.S. Case No. 279/2018 registered under Sections 143/341/323/447/379/307/504/506 of the Indian Penal Code.

Learned counsel for the petitioners submits that there are two versions of the story and the petitioner no.1 has also lodged one F.I.R. against the informant side. It is the informant who was the aggressor and had entered in the house



of petitioner no. 1. The allegation against petitioner no.1 is that he had given an iron rod blow on the head of the informant as also assaulted his wife on vital part of the body.

Learned counsel for the petitioners submits that so far as petitioner nos. 2 to 7 are concerned, there are general and omnibus allegation against them and there is no specific allegation of causing any injury against these petitioners. It is submitted that both the parties seems to have gone for a free fight and caused injury to each other which are simple in nature.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail particularly that of petitioner no. 1.

Having heard learned counsel for the petitioners and learned A.P.P. for the State, considering the nature of allegations, the case and counter case between the parties and that the injuries are simple in nature which are said to have been caused by petitioner no. 1, this court is of the considered opinion that privilege of anticipatory bail need not be extended to petitioner no. 1.

Accordingly, prayer for anticipatory bail of petitioner no. 1 is refused.

In case, petitioner no. 1 surrenders and prays for



regular bail in the court below within a period of four weeks from today the same shall be considered by the court below taking note of the observations of learned 8th Additional Sessions Judge, Bhagalpur and shall not get prejudiced by the order of this court refusing to extend the benefit of anticipatory bail to petitioner no. 1.

So far as petitioner nos. 2 to 7 are concerned, there are general and omnibus allegations against them, hence, this court is willing to extend the benefit of anticipatory bail to petitioner nos. 2 to 7, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioner Nos. 2 to 7 be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VII, Bhagalpur, in connection with Tatarpur (University) P.S. Case No. 279/2018, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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