

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15714 of 2019

Arising Out of PS. Case No.-311 Year-2018 Thana- BHARGAMA District- Araria

1. Lotan Mandal @ Lotan Miya @ Lutan Mandal Son of Late Mansuk, R/o Village- Dhaneshwari , P.S.- Bhargama, District- Araria.
2. Manpreet Mandal Son of Lotan Mandal @ Lotan Miya @ Lutan Mandal Son of Lotan Mandal, R/o Village- Dhaneshwari , P.S.- Bhargama, District- Araria.
3. Ravi Mandal @ Rabi Mandal @ Raviu Kumar Mandal Son of Lotan Mandal @ Lotan Miya @ Lutan Mandal, R/o Village- Dhaneshwari, P.S.- Bhargama, District- Araria.
4. Suren Mandal @ Bhaya Mandal @ Suren Kumar Son of Lotan Mandal @ Lotan Miya @ Lutan Mandal, R/o Village- Dhaneshwari, P.S.- Bhargama, District- Araria.
5. Suraj Mandal @ Suraj Kumar Son of Sadanand Mandal, R/o Village- Dhaneshwari, P.S.- Bhargama, District- Araria

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar, Advocate

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-03-2019 It appears that in the computer feeding only name of petitioner no. 1 has been mentioned in the cause list whereas there are five petitioners in this case.

Heard learned counsel for the petitioners. No one appears on behalf of the State.

The petitioners are apprehending their arrest in connection with Bhargama P.S. Case No. 311 of 2018 registered for the offences under Sections 341, 323, 447, 354B, 379, 427,



504 and 506/23 of the Indian Penal Code.

As per the first information report, the informant paid the amount of land to petitioner no. 1 on 27.11.2018 and on 05.12.2018 petitioner no. 1 came to the informant and told him that one of the notes of Rs. 2000/- given to him was fake. On protest petitioner no. 1 (Lutan Mandal) started abusing him and gave threat to kill him. It is further alleged that in the evening accused persons armed with *Garansa* and *three naught* and started assaulting the informant. It is alleged that petitioner no. 1 (Lutan Mandal) got the informant down on the earth and put *Garansa* on his neck. On cry of the informant his family members came to rescue him then they were also assaulted and it is alleged that co-accused Shankar Mandal made his sister half necked and accused Manpreet Mandal and Shankar Mandal snatched golden chain and ear ring from his sister Rita Devi.

Learned counsel for the petitioners submits that co-accused Shankar Mandal is against whom there is allegation of tearing the cloths of informant's sister is not the petitioner before this Court and allegation of snatching ornaments is ornamental one. There is general allegation of assault against the petitioners.

Considering the facts and circumstances of the case



wherein the specific allegation of assault is against petitioner no. 1 (Lotan Mandal @ Lotan Miya @ Lutan Mandal), this Court is not inclined to grant anticipatory bail to the petitioner no.1. His prayer is, thus, rejected.

So far as other petitioners are concerned, there are general and omnibus allegation against them, this Court is willing to extend the benefit of anticipatory bail to petitioner nos. 2 to 5. Let the petitioner nos. 2, 3, 4 and 5 above named, in case of their arrest or surrender within a period of four weeks from today in connection with Bhargama P.S. Case No. 311 of 2018, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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