

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17449 of 2019

Arising Out of PS. Case No.-230 Year-2018 Thana- BIHARIGANJ District- Madhepura

Bhola Mandal, Son of Late Jeev Lal Mandal, Resident of Village - Manjoura,
Bhagwati Asthan, P.S.- Bihariganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 11.01.2019 in a case registered for the offences punishable under Sections 323, 341, 307, 354A, 379, 354(A) and 506/34 of the Indian Penal Code.

The prosecution case, as per the written report of Viren Mandal dated 28.09.2018 submitted to the Station House Officer of Bihariganj Police Station, is to the effect that on 27.09.2018 at 10.00 P.M., the informant went to attend feast on the house of Pintu Rai and when the informant took a seat to take food, co-accused Santosh Mandal came and told that some persons are calling him, when the informant went there he found all the FIR accused persons including the petitioner present



when the petitioner, Bhola Mandal persuaded his uncle, Jagan Mandal to ask the informant to compromise the earlier case. On declining the offer of the petitioner, all the accused persons started abusing the informant when co-accused Fulan Mandal assaulted the informant with sharp cutting weapon on his head causing cut injury and thereafter, co-accused Raj Kishore Mandal assaulted the informant with sword and thereafter, all the accused persons assaulted the informant with lathi. It is alleged that alarm being raised, when the wife of the informant came to rescue then a silver chain and a gold earring was snatched by co-accused Gujiya Devi. It is further alleged that the accused persons snatched Rs.5,000/- and mobile phone from the informant.

It is submitted by learned counsel for the petitioner that there is no specific accusation of assault against the petitioner. The specific accusation of assault is against co-accused Fulan Mandal and Raj Kishore Mandal when only one injury has been found grievous and other injuries have been found simple. It is further submitted that there is a counter version of the occurrence being, Bihariganj P.S. Case No. 231 of 2018. The petitioner is accused in two other cases.

Learned APP submits that on the order of the



petitioner, the informant was assaulted.

Considering the fact that the specific accusation of assault is against Fulan Mandal and Raj Kishore Mandal, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Uda Kishunganj, District - Madhepura in connection with Bihariganj P.S. Case No. 230 of 2018.

(Dinesh Kumar Singh, J)

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