

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18671 of 2019

Arising Out of PS. Case No.-380 Year-2018 Thana- RANIGANJ District- Araria

1. CHANDESHWAR MANDAL, Son of late Babujan Mandal, Resident of Village - Gidwas Ward No. 11, P.S.- Raniganj, Distt - Araria.
2. Ranjan Kumar @ Ranjan Mandal, Son of Chandeshwar Mandal, Resident of Village - Gidwas Ward No. 11, P.S.- Raniganj, Distt - Araria.
3. Kundan Kumar @ Kundan Ku. Mandal, Son of Chandeshwar Mandal, Resident of Village - Gidwas Ward No. 11, P.S.- Raniganj, Distt - Araria.
4. Anila Devi @ Anita Devi, Wife of Chandeshwar Mandal, Resident of Village - Gidwas Ward No. 11, P.S.- Raniganj, Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written statement of Ravi Shankar Kumar submitted to the S.H.O., Raniganj P.S. is to the effect that on 31.10.2018 at about 07.00 A.M., when the



informant was going to market, in the meantime, all the petitioners attacked the informant. It is further alleged that petitioner no.2, Ranjan Kumar caught hold of the informant and petitioner no.3, Kundan Kumar assaulted with a dagger on the neck of the informant causing injury on his face, as a result, the informant fell down, thereafter, petitioner no.2, Ranjan Kumar again assaulted with dagger on the chest of the informant. It is further alleged that petitioner no.1, Chandeshwar Mandal and petitioner no.4, Anila Devi also assaulted the informant with iron rod and snatched Rs.7,000/- from his pocket. On alarm being raised, where nearby people came, all the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that the petitioners and the informant are agnates and in the background of land dispute, the accusation has been levelled against the petitioners. Though it is alleged that the informant was assaulted by all the four petitioners but the injury report suggests that the informant received only two injuries, one is incised injury marginal in size on the nose and the other is abrasion on the chest, which have been found simple in nature. It is further submitted that for the occurrence of 31.10.2018 at 07.00 A.M., the FIR has been registered on 01.11.2018 at 10.45



A.M. The informant has retracted from his initial version and has filed a petition to that effect before the learned Court below which has been brought on record as Annexure-3. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioners and they are named in the FIR.

Considering the delayed lodging of the FIR and the injuries being found simple in nature, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **S.D.J.M., Araria** in connection with **Raniganj P.S. Case No. 380 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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