

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1290 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- MORKAHI District- Khagaria

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1. DHRUV KUMAR @ DHRUV MANDAL Son of Virendra @ Vilo Mandal
 2. Ravis Kumar @ Ravish Mandal Son of Kailash Mandal
- Both resident of Village- Marar, P.S.- Morkahi, District- Khagaria

... .. Appellant/s

Versus

The State of Bihar Bihar
Respondent/s

... ..

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 05-04-2019

Heard the parties.

The appellants are apprehending their arrest in connection with Morkahi P.S.Case No.89 of 2018 corresponding to G.R.No.1961 of 2018 , registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Section 3(1)(v)(s) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellants is that the informant saw some persons making abusive language on the shop of Ajay Sah and on that he went to pacify the matter but accused persons including appellants abused informant by caste name and Akhilesh Mandal assaulted by sharp pointed weapon, Kunsal Mandal assaulted by *Lathi* and *Danda* and appellant no.1 assaulted by ‘*BUT*’ portion of the country-made pistol causing injury and Pradip Mandal assaulted by pistol and there is general allegation against the other accused persons of assault by *Lathi* and *Danda*.

Submission of the learned counsel for appellants is that there is no specific allegation against appellant no.2, though the main allegation is against appellant no.1 of assault by ‘*BUT*’ portion of Gun but the injuries are simple in nature.



Heard learned Spl.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, so far appellant no.1(Dhruv Kumar alias Dhruv Mandal) is concerned, let the appellant no.1, above named, surrender before the learned Special Judge within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered on the basis of materials available on the record and if possible to be disposed of on the same day.

So far appellant 2 (Ravis Kumar) is concerned in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Khagaria in connection with Morkahi P.S.Case No.89 of 2018 (G.R.No.1961 of 2018), subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this appeal is allowed and the impugned order is set aside with respect to appellant no.2 .

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

