

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27946 of 2019

Arising Out of PS. Case No.-537 Year-2018 Thana- PUPRI District- Sitamarhi

1. Raja Mandal Son of late Bisheshwar Mandal, Resident of village- Chakasa Aabapur, North, Ward No. 1, Police Station- Pupri, District- Sitamarhi.
2. Rajdev Mandal @ Ramdeo Mandal, son of Late Bisheshwar Mandal, Resident of village- Chakasa Aabapur, North, Ward No. 1, Police Station- Pupri, District- Sitamarhi.
3. Kapal Mandal, son of Late Bisheshwar Mandal, Resident of village- Chakasa Aabapur, North, Ward No. 1, Police Station- Pupri, District- Sitamarhi.
4. Deepa Mandal, Son of Shatrughan Mandal, Resident of village- Chakasa Aabapur, North, Ward No. 1, Police Station- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-04-2019 Heard both sides.

The petitioners apprehend their arrest in Pupri P.S.
Case No.537 of 2018 registered under Sections 307, 324,
337,354 and other sections of the Indian Penal Code.

The informant named 13 accused persons and alleged that they all came to his house only because he dug a pit for storage of water and began to abuse. The accused persons assaulted the informant and his family members with hockey stick and other weapons including knife. Deepa Mandal, who is alleged to have assaulted Samida Khatoon (wife of the



informant) with knife on her head. Other family members of the informant have also sustained injuries on account of assault made by the petitioners.

Learned counsel for the petitioners submits that there is a counter version being Pupri P.S. Case No.536 of 2018 which is lodged on the basis of fardbeyan of Pramila Devi (wife of petitioner no.1). The informant and his family members were abusing Pramila Devi making allegation that she was a witch. They assaulted Pramila Devi and other family members for which Pupri P.S. Case No.536 of 2018 is registered. There is no specific allegation of assault against the petitioners. Save and except Deepa Mandal, who is alleged to have inflicted knife blow on the head of Samida Khatoon (wife of the informant) but the injuries found on the persons of informant, his wife, sons and daughter are simple in nature.

Learned counsel for the informant submits that all the accused persons assaulted the informant, his wife and other family members. Of course, injuries are simple in nature but indiscriminate assault was made.

It appears that there is a case and counter case. There is omnibus and general allegation of assault against all the accused persons. Only Deepa Mandal (petitioner no.4) is alleged



to have given knife blow to Samida Khatoon (wife of the informant) but Samida Khatoon got one superficial and simple injury.

Having considered the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Pupri P.S. Case No.537 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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