

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45377 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- HALSI District- Lakhisarai

1. MUKESH MANDAL S/o Rameshwar Mandal R/o village- Ward no. 1, village- Mohaddi Nagar, P.S.- Halsi, District- Lakhisarai
2. Shambhu Mandal S/o Late Rameshwar Mandal R/o Village/Mohalla- 58/2, Nandi Banan Bye Lane Salkia Haora (M Crop) Haora Howarh, West Bengal - 711106
3. Roshan Mandal @ Roshan Kumar S/o Shambhu Mandal R/o village- Mohaddi Nagar, P.O.- Mohaddi Nagar, P.S.- Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 30-09-2019 At the very outset, learned counsel for the petitioners submits that the petitioner no.3, namely, Roshan Mandal alias Roshan Kumar, has already been arrested by the police in this case and seeks permission to withdraw this application in respect of the petitioner no.3, namely, Roshan Mandal alias Roshan Kumar.

Permission is accorded.

This application in respect of the petitioner no.3, namely, Roshan Mandal alias Roshan Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1 and 2, namely, Mukesh Mandal and Shambhu Mandal respectively, for grant of privilege of pre-arrest bail is being considered.



Heard.

The petitioner nos.1 and 2, above named, apprehend their arrest in connection with Halsi P.S. Case No.24 of 2019 registered under Sections 323, 324, 354(A), 379, 504 and 506/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that Roshan Mandal, son of Shambhu Mandal (petitioner no.2), used to eve-tease the minor daughter of the informant in course of going to school and coaching to study by her. On 02.12.2019, when the informant was returning to his house from Jamui, in the way, near the Hanuman Temple, he saw Shambhu Mandal (petitioner no.2) and made complaint of Roshan Mandal regarding the same to him on which he became furious and went to his house and returned there along with other F.I.R. named accused including the petitioner no.1 variously armed with weapons and surrounded the informant. Thereafter, on the instigation of Shambhu Mandal (petitioner no.2), all started to cause assault to the informant. In that course, Shambhu Mandal with an intention to kill the informant gave iron rod blow at him due to which he sustained blood oozing injury in the upper portion of his eye and Roshan Mandal caused blood oozing injury at the head of the informant through iron rod. In that course, Chandrashekhar Mandal took Rs.2000/- from the pocket of the informant, whereas Randhir Mandal snatched his gold chain and Mukesh Mandal (petitioner no.1) took the packet from the hand of the informant containing households



articles.

Submission is that the allegation against the petitioner no.2 is to cause blood oozing injury through iron rod at the upper portion of the eye of the informant but the injury of the informant was found simple in nature and so far as the petitioner no.1 is concerned, there is allegation against him that he took the packet from the hand of the informant containing households articles. The petitioner nos.1 and 2 have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner nos.1 and 2, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai, in connection with Halsi P.S. Case No.24 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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