

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50456 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- HATHAURI District- Samastipur

1. SANDEEP MANDAL @ SANDEEP KUMAR SINGH @ DILIP KUMAR @ DILIP MANDAL Son of Vijendra Mandal @ Vijendra Prasad Singh Resident of Village - Kathdhara, P.S.- Hathauri, District- Samastipur
2. Vijendra Mandal @ Vijendra Prasad Singh Son of Late Lakhan Mandal Resident of Village - Kathdhara, P.S.- Hathauri, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh
For the Opposite Party/s : Mr.Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 14-08-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 325, 448, 307, 380, 379, 354, 504, 506 of the Indian Penal Code registered in connection with Hathauri (Shivajinagar OP) P.S. Case No. 41 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of family dispute for property. There is delay in institution of the FIR on 06.05.2019 for the alleged occurrence of 29.04.2019. The petitioner no. 1 is the son-in-law from the informant's first wife who is said to have assaulted the informant on his head with iron rod but the injury is simple in nature. The petitioner no. 2 is said to have assaulted the informant causing injury on his right hand, which is non-vital part of the body.

4. Learned APP submits that the petitioner no. 2 is said to have assaulted the informant causing injury on his right hand.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of



anticipatory bail to the petitioner no. 2. The anticipatory bail petition as against him stands dismissed.

6. As regards petitioner no. 1 in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 1 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned J.M.Ist Class, Rosera, District Samastipur in connection with Hathauri (Shivajinagar OP) P.S. Case No. 41 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner no.1.
- ii. That the petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner no. 1 shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner no. 1 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

