

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75402 of 2019

Arising Out of PS. Case No.-415 Year-2018 Thana- KAHALGAON District- Bhagalpur

1. KUMKUM DEVI, Wife of Sri Fucho Mandal,
2. Fucho Mandal, Son of Raghunath Mandal
Both resident of village-Pakki Sarai, P.S.-Ghogha, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of **Kahalgaon (Ghogha) P.S. Case No. 415 of 2018**, disclosing the offences under Sections 341, 323, 337, 308, 504, 34 of the Indian Penal Code and Section 37(c) of Bihar Prohibition and Excise Act.

From perusal of the First Information Report, it transpires that petitioner No. 2 is brother of co-accused Aman Mandal whereas petitioner No. 1 is wife of petitioner No. 2.

It is alleged that the said Aman Mandal, who was in inebriated condition, was demanding money from the informant which was being resisted by the informant, leading to scuffle.



Therefore, these petitioners, allegedly rushed to the place of occurrence and assaulted the informant and her son.

Learned counsel appearing on behalf of the petitioners has submitted that it is evident from the First Information Report that the main allegation is against co-accused Aman Mandal. The petitioners have been implicated only because they are related to the co-accused Aman Mandal.

On perusal of the First Information Report, I am of the view that the case for grant of anticipatory bail is made out.

Considering the above, this application is allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released 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 2nd Additional District and Sessions Judge cum Special Judge (Excise Act), Bhagalpur**, or successor court, in connection with **Kahalgaon (Ghogha) P.S. Case No. 415 of 2018**, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their



part to appear before the court on two consecutive occasions,
their bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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