

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48956 of 2018

Arising Out of PS. Case No.-233 Year-2017 Thana- BHARGAMA District- Araria

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Surya Narayan Mandal S/o Late Baijnath Mandal resident of Village- Paikpar,
P.S. Bhargama, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rajendra Mandal, S/o Parmeshwari Mandal
3. Ravindra Mandal, S/o Parmeshwari Mandal
4. Parmeshwari Mandal S/o Late Raghunath Mandal Oppsite Part No. 2 to 4 are
resident of Village- Paikpar, Ward No. 3, P.S. Bhargama, District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Sri Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 13-02-2019 Heard Mr. Ranjan Kumar Dubey, learned
counsel for the petitioner and Mr. Arun, learned counsel
for the opposite party no. 4.

The present petition is for cancellation of the
anticipatory bail of opposite party no. 4 which was
granted by this Court vide order dated 04.05.2018.

It has been submitted on behalf of the
petitioner/informant that even though opposite party no.
4 viz. Parmeshwari Mandal was the author of the injury
suffered by Jay Narain Mandal, which was opined to be
grievous, the order granting anticipatory bail to all the
accused persons describes the injuries suffered by Jay
Narain Mandal to be simple in nature.



Learned counsel for the petitioner therefore urges that either incorrect statement was made on behalf of opposite party no. 4 or if no such incorrect statement was made, then when the order was being dictated in the open court, it was the duty of the learned counsel appearing for the petitioners at that time to have pointed out that Jay Narain Mandal had received grievous injuries.

Mr. Arun, learned counsel appearing for the opposite party no. 4, has shown to this court the petition which was filed before this court in which it has specifically been stated that the injuries suffered by two of the injured persons were simple in nature whereas the injuries suffered by Jay Narain Mandal was opined to be grievous.

It appears that there was some inadvertence while recording the aforesaid facts in describing the injury on the person of Jay Narain Mandal to be simple in nature. This could be oversight or because of the other accused persons having received simple injuries whose petitions also were being decided by the order dated 04.05.2018.

A perusal of the order dated 04.05.2018 reflects that there was long standing land dispute between the parties and some of the accused persons



also had received injuries for which they were examined/treated at the Primary Health Centre, Bhargama on 19.10.2017. The court, while granting anticipatory bail to all the accused persons including opposite party no. 4 took note of the fact that even though the occurrence had taken place on 19.10.2017 but the case was lodged on 24.10.2017, without there being any satisfactory explanation about such delay in lodging of the FIR. It was only after recording the aforesaid facts that it was also observed that the injuries suffered by Madhuri Devi, Ratnesh and Jay Narain Mandal are all simple in nature.

In the aforesaid background of the case and the delay in lodging of the FIR this court does not deem it appropriate to pass an order of cancelling the anticipatory bail of opposite party no. 4, especially when no wrong statement appears to have been made on behalf of the petitioner and one of the observations with regard to the nature of injury was inadvertently/wrongly recorded by the court.

In any view of the matter, considering the nature of accusation against the petitioner, the background facts which includes the late lodging of the FIR and injuries on the side of the accused persons also, this court refrains from passing any order modifying the



earlier order.

The prayer for cancellation of anticipatory bail
of opposite party no. 4 is thus rejected.

(Ashutosh Kumar, J)

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