

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10136 of 2020

Arising Out of PS. Case No.-364 Year-2019 Thana- ROSERA District- Samastipur

1. SURESH MANDAL, Son of Late Ram Udgar Mandal,
2. Vijay Kumar Mandal @ Vijay Kumar, Son of Sri Rajeshwar Mandal,
Both Residents of Village-Khaira Latpur, P.S-Rosera, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-06-2020 This case has been heard through Video Conferencing.

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

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 149, 307, 323, 341, 447, 504, 506 of the Indian Penal Code.

Allegation against the petitioners alongwith other co-accused have assaulted the victim.

Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in the present case. As a matter of fact the entire allegation levelled in the FIR is out and out a false allegation and even as per the



FIR the alleged occurrence allegedly took place on 23.10.2019 and the present written report was lodged on 04.11.2019 i.e. after much delay from the date of so called occurrence. As per FIR both parties are own agnate and they are pattidar. Falsity of the present case is more evident from the fact that the brother-in-law of the informant namely Ranjeet Kumar was examined by doctor at Rosra and he simply found abrasion over nose 1/4” nature of injury was simple. The petitioners have no criminal antecedent.

Learned counsel for the petitioners further submits that the allegation against the petitioner no. 1 is that who has assaulted the brother of the informant namely Ranjeet Kumar with rod and he became unconscious. Injury report at Annexure-2 shows that injury is simple in nature.

In the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above named petitioner no. 1, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate,



1st Rosra, Samastipur in connection with Rosra P.S. Case No. 364 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as petitioner no. 2 is concerned, allegation against the petitioner no. 2 is of assaulting the husband of the informant namely Santosh Kumar gave spade blow on his head who became badly injured and unconscious. The injury report shows that grievous in nature, so I am not inclined to grant anticipatory bail to petitioner no. 2. Accordingly, the prayer for anticipatory bail of petitioner no. 2 is hereby rejected.

(Anjani Kumar Sharan, J)

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