

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 19544 of 2020

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1. Mithilesh Mandal, son of Banarsi Mandal.
 2. Santosh Mandal, son of Banarsi Mandal.
Both residents of village Taratol, Thila Mohan, P.S.-Simraha, District-Araria.
 3. Maheshwar Mandal @ Maheshar Mandal, son of Hari Prasad Mandal.
 4. Anmol Mandal @ Anmoh Mandal, son of Maheshwar Mandal @ Maheshar Mandal
 5. Rahul Bhagat @ Rahul Mandal, son of Bishwanath Bhagat.
Residents of village Jagir Halhalia, P.S.-Simraha, District-Araria.
- Petitioners

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioners : Mr. Anil Prasad Singh, Advocate

For the Respondent State: Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-08-2020 Heard Mr. Anil Prasad Singh, learned counsel appearing on behalf of the petitioners and Dr. (Mrs.) Indihar Kumari, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Forbesganj (Simraha) P.S. Case No. 924 of 2019, registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 325, 307, 337, 338, 379 and 504 of the Indian Penal Code.

The informant asserts that he has expertise in treating sick persons with herbs having medicinal value. It is alleged that on the alleged date of occurrence, when he was



returning after supplying herbal medicines to one of the patients, 51 persons, named in the F.I.R., and nearly 500 others, surrounded him and, calling him to be a child-lifter, they brutally assaulted him. He had disclosed names of 51 persons, including the petitioners, who had participated in the occurrence. He was saved with the intervention of the police, the prosecution's case discloses. Subsequently, he filed a complaint case, which was referred to the police for registration of F.I.R.

I find substance in submission made on behalf of the petitioners that there is no specific allegation of any overt act against these petitioners and the allegations are general and omnibus.

Considering the facts and circumstances and nature of accusation, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, in Forbesganj (Simraha) P.S. Case No. 924 of 2019, subject to the conditions 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.

It is indicated that defect, if any, shall be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.



Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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