

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22634 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- ISMAILPUR District- Bhagalpur

1. THAKUR MANDAL S/O Reso Mandal @ Resho Mandal Resident of Village - Chhoti Parbatta, P.S. - Ismailpur, District - Bhagalpur.
2. Sunil Mandal S/O - Jagrup Mandal Resident of Village - Chhoti Parbatta, P.S. - Ismailpur, District - Bhagalpur.
3. Binod Mandal S/O - Jhaksi Mandal Resident of Village - Chhoti Parbatta, P.S. - Ismailpur, District - Bhagalpur.
4. Bijay Mandal @ Bijoy S/O Late Jhaksi Mandal Resident of Village - Chhoti Parbatta, P.S. - Ismailpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Amit Kumar Rakesh, learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner nos. 1 & 2.

Accordingly, the present petition qua the petitioner nos. 1 & 2 are dismissed as withdrawn, however, with liberty to the



petitioner nos. 1 & 2 to surrender before the learned court below within a period of four weeks from today and seek regular bail.

The petitioners apprehend their arrest in connection with Ismailpur P.S. Case No. 56 of 2019 for the offence registered under Sections 341, 323, 427, 307, 325, 354, 379, 504, 506 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that the accused persons along with the petitioners herein had assaulted the informant and other members of the prosecution party by lathi and *danda*. Specific allegation is against the petitioners no. 1 & 2 of having assaulted the son of the informant with iron rod resulting in him sustaining grievous injury.

The learned counsel for the petitioner nos. 3 & 4 has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted that a general and omnibus allegation has been levelled against the petitioner nos. 3 & 4, hence sympathetic view may be taken with regard to the case of the petitioner nos. 3 & 4 for grant of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



considering the submissions made by the learned counsel for the petitioners and taking into account the fact that a general and omnibus allegation has been levelled as far as the petitioner nos. 3 & 4 are concerned and moreover, they are having clean antecedents, I deem it fit and proper to admit the petitioner nos. 3 & 4 to the privilege of anticipatory bail.

Accordingly, the petitioner nos. 3 & 4, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugachia, District-Bhagalpur in connection with Ismailpur P.S. Case No. 56 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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