

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24120 of 2020

Arising Out of PS. Case No.-241 Year-2019 Thana- TRIVENIGANJ District- Supaul

1. Umesh Mandal Son of Late Jiwachh Mandal Resident of Village Dumariya, Ward no. 5, P.S. - Triveniganj, District - Supaul.
2. Dinesh Mandal Son of Late Jiwachh Mandal Resident of Village Dumariya, Ward no. 5, P.S. - Triveniganj, District - Supaul.
3. Mithilesh Kumar Son of Late Bechan Mandal Resident of Village Bhuda, Tola, Basona, P.S. - Triveniganj, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ram Sewak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-10-2020 The Court proceeding has been conducted through virtual mode.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Since the court proceeding in physical mode is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of resumption of court proceeding in physical mode. In the eventuality of non-



removal of defects within undertaken period, the office will place the matter before the bench.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 326, 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on 15.08.2019 at 8.00 A.M., the informant along with his son Ashok Yadav was returning home after flag hosting. When the informant along with his son reached near the house of one Prabhu Mandal, the FIR named accused persons including the petitioners were there from before having weapons, like, pistol, Bhala, Farsa etc. and abusing one Hareram Mandal. On protest being made by son of the informant, petitioner no. 2 Dinesh Mandal ordered to kill, upon which co-accused Prabhu Mandal fired at the informant which hit on the left thigh of the son of the informant, Ashok Yadav. Thereafter, the accused persons also assaulted the son of the informant.

It is submitted by learned counsel for the petitioners that there is no specific accusation of assault against the petitioners and they have falsely been implicated



in the present case due to old enmity. It is further submitted that wife of petitioner no. 2 namely, Shoshila Devi has earlier lodged FIR being Triveniganj P.S. Case No. 239 of 2019, dated 16.08.2019 for the offences under Sections 356, 379, 147, 148, 149, 341, 323, 324, 307, 354B, 436, 504 of the Indian Penal Code and Section 27 of the Arms Act against the informant side and as a retaliatory measure, the present case has been lodged on 19.08.2019. It is also submitted that co-accused Prabhu Mandal, who alleged to have fired at the son of the informant, has been granted anticipatory bail by Co-ordinate bench of this Court vide order dated 06.03.2020 passed in Cr. Misc. No. 13706 of 2020.

Learned APP submits that the petitioners are named in the FIR.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Supaul in connection with Triveniganj P.S. Case No. 241



of 2019, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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