

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70923 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- SHANKARPUR District- Madhepura

1. SIKANDAR MANDAL @ SIKENDRA MANDAL Son of Late Pulkit Mandal Resident of Village- Hasanpur, Ward No.-6, P.S.- Shankarpur, District- Madhepura
2. Upendra Mandal Son of Late Pulkit Mandal Resident of Village- Hasanpur, Ward No.-6, P.S.- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bam Bahadur Jha
For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 06-03-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Shankarpur P.S. Case No. 116 of 2019, disclosing offence punishable under Section 307 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act.

There are six persons named in the FIR, who are said to have assaulted the informant and his family members. The accused persons were variously armed with *lathi*, iron rod etc. It appears from the FIR that a petty dispute between the parties had led to the occurrence and there was an altercation before the occurrence, as the informant had strayed his buffalo in the agricultural field of the accused persons. There is allegation against all the persons of having assaulted the informant and



others. Allegedly, a fire was shot which caused fire-arm injury in the arm of the informant's brother.

It is the case of the petitioners that there is nothing in the FIR to suggest that the fire-arm injury is attributable to these petitioners. Learned counsel for the petitioners has rightly submitted that the allegation of assault is general and omnibus against all the persons named in the FIR and 15 others who have not been named.

Considering the above, this application is allowed. Let the petitioners, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), each with two sureties of the like amount, each to the satisfaction of learned ACJM, Madhepura in Shankarpur P.S. Case No. 116 of 2019.

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.

(Chakradhari Sharan Singh, J)

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