

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84676 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- GOGRI District- Khagaria

1. Ramchandra Mandal, aged about 40 years, Male, S/o Dhanuki Mandal, Resident of Village- Mirganj, P.S.- Gogari, Dist- Khagaria.
2. Sanjeev Kumar @ Sanjeev Mandal, aged about 28 years, Male, S/o Devendra Mandal, Resident of Village Mirganj, P.S. Gogari, Dist- Khagaria.
3. Rajeev Mandal, aged about 30 years, Male, S/o Devo Mandal, Resident of Village- Mirganj, P.S.- Gogari, Dist- Khagaria.
4. Rampukar Mandal, aged about 25 years, Male, S/o- Jogo Mandal, Resident of Village- Bahadurpur, P.S.- Gogari, Dist- Khagaria.
5. Ritesh Kumar @ Ritesh Mandal, aged about 24 years, Male, S/o Devo Mandal, Resident of Village- Mirganj, P.S.- Gogari, Dist- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar
For the Opposite Party/s : Mr.Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 27-08-2020 Heard Mr. Surendra Kishore Thakur, the learned

counsel appearing on behalf of the petitioners and Mr. Satyavrat

Verma, the learned Additional P.P.

The petitioners apprehend their arrest in Gogari P.S.

Case No.48 of 2019, registered under Sections 447, 341, 323,

379, 324, 307, 506 and 34 of the Indian Penal Code.

The informant, Gopi Mandal alleged that on

17.02.2019 while he along with Ramji Mandal and Prakash

Mandal were sitting on their Darwaza, Manoj Mandal, Devo



Mandal, Devendra Mandal, Ramchandra Mandal, petitioner no.1, Bipin Mandal, Rampukar Mandal, petitioner no.4 along with 15 others having armed with different weapons came and assaulted the informant, Gopi Mandal. Thereafter Rajeev Mandal, petitioner no.3, Ritesh Mandal, petitioner no.5 and Sanjeev Mandal, petitioner no.2 also came at the place of occurrence and assaulted Ramji Mandal with lathi causing fracture injury on his hand and head. They took away different articles from their house.

Learned counsel for the petitioners submits that altogether 9 persons are named in the FIR besides 15 others. At the first instance six persons including Ramchandra Mandal and Rampukar Mandal, petitioners no.1 and 4 are named in the FIR but no specific allegation of assault is made against them. Sanjeev Mandal, Ritesh Mandal and Rajeev Mandal are alleged to have assaulted Ramji Mandal. There is a counter version being Gogari P.S. Case No.49 of 2019. The occurrence took place due to land dispute. From the side of the petitioners also many persons got injuries, therefore, the petitioners deserve anticipatory bail, but Shri Satyavrat Verma, the learned counsel for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against Sanjeev Kumar,



Rajeev Mandal and Ritesh Mandal, petitioners no.2, 3 and 5 that they indiscriminately assaulted Ramji Mandal who got injuries on different parts of his body. The doctor opined the injuries as grievous in nature.

Taking into consideration the facts that no specific allegation of assault is made against petitioner no.1, Ramchandra Mandal and petitioner no.4, Rampukar Mandal and there is counter version, let petitioner no.1, Ramchandra Mandal and petitioner no.4, Rampukar Mandal in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged 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 Ist Class Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No.48 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no.2, Sanjeev Kumar @ Sanjeev Mandal, petitioner no.3, Rajeev Mandal and petitioner no.5, Ritesh Kumar @ Ritesh Mandal is concerned, there is specific allegation that they assaulted Ramji Mandal on his hands and head and the injuries found on the hands and head



are grievous in nature.

Taking into consideration the facts, I am not inclined to enlarge the petitioners no.2, 3 and 5, namely, Sanjeev Kumar @ Sanjeev Mandal, Rajeev Mandal and Ritesh Kumar @ Ritesh Mandal on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioners no.2, 3 and 5, namely, Sanjeev Kumar @ Sanjeev Mandal, Rajeev Mandal and Ritesh Kumar @ Ritesh Mandal is rejected.

(Prabhat Kumar Jha, J)

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