

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32392 of 2020

Arising Out of PS. Case No.-267 Year-2018 Thana- ALAMNAGAR District- Madhepura

1. KALPANA DEVI Wife of Subhash Kumar Mandal Resident of Village - Parail, Police Station - Alamnagar (Ratwara), District - Madhepura.
2. Sajjan Kumar Son of Subhash Kumar Mandal Resident of Village - Parail, Police Station - Alamnagar (Ratwara), District - Madhepura.
3. Sachin Kumar Son of Subhash Kumar Mandal Resident of Village - Parail, Police Station - Alamnagar (Ratwara), District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. J.K. Singh, APP.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 20-01-2021 Heard learned counsel for the petitioners and learned APP for the State. Learned counsel for the petitioners hereby undertakes to remove all the defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 379, 307 and 354/34 of the Indian Penal Code, registered in connection with Alamnagar (Ratwara) P.S. Case No. 267 of 2018.

3. Petitioner nos. 1 and 2 have renewed their prayer



for anticipatory bail in the said police station case under the aforesaid sections of the Indian Penal Code, having earlier been rejected by order dated 09.04.2019 passed in Cr.Misc. No.22684 of 2019.

4. It is submitted that the petitioners have been falsely implicated in connection with assault on the informant and misbehaving with his wife. It is submitted that accusation of assault is on co-accused Subhash Kumar Mandal, while the accusation of assault with *lathi* and *danda* against the petitioners is general and omnibus. It is further submitted that a scuffle had ensued over a land dispute as the parties are agnates. After investigation, final form has been submitted by the police against the petitioner nos. 2 and 3, while the case has been found true against petitioner no.1 only under sections 341, 323, 325, 504, 506 and 34 of the Indian Penal Code. The petitioners claim clean antecedents.

5. Learned APP, on the other hand, opposes the bail petition, inviting reference to paragraph 11 of the petition in which it is stated that the injury no. 1 sustained by the informant was found to be grievous in nature and injury no.2 was found to be simple in nature.

6. Considering the specific accusation against



petitioner no.1 of having assaulted with brick on the chest of the informant, this Court is not inclined to grant the privilege of anticipatory bail to petitioner no.1 Kalpana Devi. The bail petition as against petitioner no.1 stands dismissed.

7. As regards petitioner nos. 2 and 3 namely, Sajan Kumar and Sachin Kumar, considering that they have been exonerated of the charges, in the event of their arrest or surrender before court below within six weeks from the date of communication of this order, let them 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 learned Acting Chief Judicial Magistrate, Madhepura in connection with Alamnagar (Ratwara) P.S. Case No. 267 of 2018, subject to the conditions as laid down under Section 438(2) Cr. P.C., if they are not otherwise required in any other case.

8. If the petitioner no.1 surrenders and seeks regular bail before the court below, the same shall be considered and disposed of on its own merits on the same day in accordance with law, without being prejudiced by any observation in the present order.

9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made



by the petitioners within the stipulated time provided in para 1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Vikash Jain, J)

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