

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44561 of 2021

Arising Out of PS. Case No.-96 Year-2020 Thana- KORHA District- Katihar

1. GUDDU KUMAR S/O Rama Mandal R/o- Bansgaraha, P.S.- Korha, Distt. - Katihar.
2. Rama Mandal S/o Late Lal Bihari Mandal R/o- Bansgaraha, P.S.- Korha, Distt. - Katihar.
3. Rinku Devi W/o Rama Mandal R/o- Bansgaraha, P.S.- Korha, Distt. - Katihar.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar Singh, Advocate.
For the State	:	Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 09.08.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.3, namely, Rinku Devi, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.3, namely, Rinku Devi, for granting her the privilege of pre-arrest bail has become infructuous and seeks



permission to withdraw this application in respect of the petitioner no.3, namely, Rinku Devi.

Permission is accorded.

This application in respect of the petitioner no.3, namely, Rinku Devi, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Guddu Kumar, and the petitioner no.2, namely, Rama Mandal, for granting them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.1 and 2, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.1 and 2, above named, apprehend their arrest in connection with Korha P.S. Case No.96 of 2021 registered under Sections 341, 323, 307, 379 and 506/34 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Katihar.

The accusation is that the informant Sita Devi was sitting at her house in the morning of 25.02.2021. At that time, four persons, named in the F.I.R., including the petitioner no.1, namely, Guddu Kumar, and the petitioner no.2, namely, Rama Mandal, having lathi and danda in their hands came at the door



of the house of the informant and started to abuse and cause assault to Baldeo Mandal, the husband of the informant, due to which the blood started oozing out from his mouth and nose. When the informant rushed to save her husband, then she was also assaulted and her silver chain was also snatched by them. When the husband of the informant became injured, then, on hearing 'Hullah', the nearby people gathered there and took the husband of the informant to Primary Health Centre, Korha, where he was treated and from there, for better treatment, he was referred to Purnia, where he is under treatment.

Learned counsel for the petitioner nos. 1 and 2, above named, submits that, while the injury, as sustained by the husband of the informant, is grievous in nature but there is general and omnibus allegation against the petitioner nos.1 and 2.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner nos.1 and 2, above named, I am not inclined to grant the privilege of pre-arrest bail to the petitioner nos.1 and 2, above named. Accordingly, the prayer of the petitioner nos.1 and 2 above named, for grant of privilege of pre-arrest bail stands rejected. However, the petitioner nos.1 and 2, above named, are directed



to surrender before the trial court within four weeks from today
and pray for regular bail, which shall be considered by the trial
court in accordance with law without being prejudiced by the
order of this Court.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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