

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40927 of 2020

Arising Out of PS. Case No.-480 Year-2020 Thana- AMARPUR District- Banka

1. SUNIL SAH S/o Bhudeo Sah Resident of Vill.- Mahmadpur, P.S.- Amarpur, District- Banka.
2. BABITA DEVI W/o Sunil Sah Resident Of Village- Mahmadpur, P. S. Amarpur, District- Banka.
3. ANGADH MANDAL ALIAS ANGAD MANDAL S/o Baldeo Mandal Resident of Vill.- Chutiya, P.S.- Banka, District- Banka.
4. SANTOSH MANDAL ALIAS SANTOSH KUMAR S/o Angadh Mandal @ Angad Mandal Resident of Vill.- Chutiya, P.S.- Banka, District- Banka.
5. ROHIT MANDAL ALIAS ROHIT KUMAR S/o Angadh Mandal @ Angad Mandal Resident of Vill.- Chutiya, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Pramod Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioner and Sri
Pramod Kr. Pandey, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Amarpur PS case no. 480 of 2020 registered
for the offences punishable under Sections 354, 379 and other
allied sections of Indian Penal Code.

At the outset, the learned counsel for the
petitioner seeks to withdraw the present petition *qua* the
petitioner no. 4, however seeks liberty on behalf of petitioner



no. 4 to surrender before the learned court below and seek regular bail.

Accordingly, the present petition *qua* petitioner no. 4 stands dismissed as not pressed, however with liberty to the petitioner to surrender before the learned court below within a period of four weeks from today and seek regular bail.

The accused persons are alleged to have assaulted the informant, his mother and other family members.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that petitioner no. 1 is the full brother of the informant and on account of certain disputes, the alleged occurrence had taken place and in fact, the present case arises out of case and counter case. It is also submitted that at best, petitioner no. 4 can be said to be the person who had assaulted the informant with iron rod causing injury on his shoulder, however as far as the rest of the accused persons are concerned, a general and omnibus allegation has been levelled against them.

Per contra, the learned APP for the State has



vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the main aggressor appears to be the petitioner no. 4 and as far as other petitioners are concerned, a general and omnibus allegation has been levelled, I deem it fit and appropriate to admit the petitioners no. 1 to 3 and 5 to the privilege of anticipatory bail. Accordingly, petitioners no. 1 to 3 and 5, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/ Successor Court, Banka in connection with Amarpur PS case no. 480 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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