

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37821 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. RABI KUMAR @ RAVI KUMAR SON OF TARNI MANDAL RESIDENT OF VILLAGE -NIJHRI, POLICE STATION- SHAMBHUGANJ, DISTRICT- BANKA.
2. GUDDU KUMAR @ KAPRI @ GUDDU KAPRI SON OF DHANANJAY KAPRI RESIDENT OF VILLAGE NIJHRI, POLICE STATION SHAMBHUGANJ, DISTRICT BANKA.
3. FUDO MANDAL @ ABHISHEK KUMAR SON OF CHANDERI MANDAL @ CHANDESHWARI MANDAL RESIDENT OF VILLAGE NIJHRI, POLICE STATION SHAMBHUGANJ, DISTRICT BANKA.
4. CHANDERI MANDAL @ CHANDESHWARI MANDAL SON OF LATE NATHAN MANDAL RESIDENT OF VILLAGE NIJHRI, POLICE STATION SHAMBHUGANJ, DISTRICT BANKA.
5. ANURANJAN KUMAR SON OF RAM PRASAD MANDAL RESIDENT OF VILLAGE NIJHRI, POLICE STATION SHAMBHUGANJ, DISTRICT BANKA.
6. SAJAN KUMAR SON OF ANANDI MANDAL RESIDENT OF VILLAGE NIJHRI, POLICE STATION SHAMBHUGANJ, DISTRICT BANKA.
7. RABI SHANKAR MANDAL @ RAVI SHANKAR MANDAL SON OF LATE BHUNESHWAR MANDAL RESIDENT OF VILLAGE NIJHRI, POLICE STATION SHAMBHUGANJ, DISTRICT BANKA.
8. TARNI MANDAL @ JWALA PRASAD MANDAL SON OF LATE NATHAN MANDAL RESIDENT OF VILLAGE NIJHRI, POLICE STATION SHAMBHUGANJ, DISTRICT BANKA.
9. NANDU @ NANDLAL MANDAL SON OF LATE NATHAN MANDAL RESIDENT OF VILLAGE NIJHRI, POLICE STATION SHAMBHUGANJ, DISTRICT BANKA.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ajay Mukherjee, Advocate.
For the State	:	Ms. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-07-2021 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 19.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Shambhuganj P.S. Case No.107 of 2020 registered under Sections 147, 149, 323, 307, 504 and 506 of the Indian Penal Code.

The accusation is that the informant Rushtam Kumar was present in the area of Lohagarh for the purpose of grazing his cow but the informant moved from there to attend the call of nature and when he returned, he did not find his cow. Thereafter, the informant started to search his cow and, in that course, he was informed by an old lady that his cow was being carried by Nandlal Mandal (petitioner no.9) and Chanderi Mandal (petitioner no.4) towards Yogiya. Thereafter, the informant made request to them to set free his cow but they started to abuse and caused assault to the informant through bricks and lathi. At that time, the petitioner no.9 caused injury at the neck of the informant through lathi due to which the



informant became unconscious. On reaching the villagers, they fled away from there. In the meantime, the police also reached there and the informant was rushed for treatment. The informant disclosed the name of the petitioners, who were indulged in causing assault to him.

Learned counsel for the petitioners submits that, in fact, due to dispute of grazing the cow, the occurrence of “Maar-Peet” took place in between the parties in which the petitioners’ side also sustained grievous injury regarding which on the basis of the fardbeyan of the petitioner no.5 Anuranjan Kumar, Shambhuganj P.S. Case No.102 of 2020 was also instituted against the prosecution party. Only to put undue pressure, the informant has lodged the present case on 01.05.2020, after five days of the occurrence. Moreover, the injuries, as found on the person of the informant, are simple in nature.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Shambhuganj P.S. Case No.107 of



2020, subject to the conditions laid down under Section 438(2)
Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U			
---	--	--	--

