

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38989 of 2020

Arising Out of PS. Case No.-75 Year-2019 Thana- DHOLBAJJA District- Bhagalpur

1. Birendra Mandal @ Birendra Kumar S/o Lt. Shyamlal Mandal Resident of Village - Chaitola Khairpur, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur
2. Neeraj Mandal @ Neeraj Kumar Mandal S/o Mahendra Mandal @ Mangan Mandal Resident of Village - Chaitola Khairpur, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur
3. Ranvijay Sharma S/o Manikant Sharma Resident of Village - Lakhminiya, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur
4. Jalo Mandal @ Amin Saheb @ Jalandhar Mandal S/o Ganesh Mandal Resident of Village - Lakhminiya, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur
5. Gauri Mandal @ Gauri Shankar Mandal @ Prem Shankar Mandal S/o Mithan Mandal @ Ishwar Mandal Resident of Village - Lakhminiya, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur
6. Rajendra Mandal S/o Maksu Mandal Resident of Village - Lakhminiya, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur
7. Parmanand Sharma S/o Hari Lal Sharma @ Lt. Hari Lal Sharma Resident of Village - Lakhminiya, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur.
8. Niro Mandal @ Niranjan Kumar @ Niranjan Kumar Mandal S/o Ganesh Mandal Resident of Village - Lakhminiya, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur
9. Raj Kishore Sharma S/o Parmanand Sharma Resident of Village - Lakhminiya, P.S. Dholbazza (Kadwa), Dist. - Bhagalpur
10. Gopal Rajak S/o Narayan Rajak Resident of Village - Lakhminiya, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur
11. Bharat Yadav S/o Makhuri Yadav Resident of Village - Chaitola Khairpur, P.s. - Dholbazza (Kadwa), Dist. - Bhagalpur.
12. Matroo Mandal Lt. Jagdish Mandal Resident of Village - Lakhminiya, P.S. - Dholbazza (Kadwa), Dist. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pramod Kumar Mallick
For the Opposite Party/s :	Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER



3 25-10-2021 Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 120(B), 354, 398, 504, 506, 353 of the Indian Penal Code.

It is submitted by learned counsel for the petitioners that petitioner Nos. 7 and 8 namely Parmanand Sharma and Niro Mandal @ Niranjan Kumar @ Niranjan Kumar Mandal have been arrested. Hence, the applications with regard to petitioner Nos. 7 and 8 have become infructuous.

Accordingly, the applications with regard to petitioner Nos. 7 and 8 are dismissed as having become



infructuous.

The prosecution case as per F.I.R is that on secret information that altogether 200 people have formed an unlawful assembly, the informant along with other police personnel went at the place of occurrence. The informant tried to pacify the matter. It is alleged against these petitioners that they along with other co-accused persons started assaulting the informant and other police officials with iron rod and sword. The accused persons also misbehaved with the ladies constables. It is also alleged that when the Circle Officer and the S.D.M, Naugachia came at the spot, they were also abused and misbehaved by the mob.

It is submitted by learned counsel for the petitioners that the accusation against the petitioners is omnibus and general. It is further submitted that there is allegation of assault by iron rod and the sword, but no injury report has been produced by the prosecution to authenticate the prosecution version. A statement has



been made in para 3 of the petition that petitioners have no criminal antecedent.

In the facts and circumstance of the case, let the petitioners, above named, except petitioner Nos. 7 and 8, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Naugachhia, Bhagalpur in connection with Dholbazza P.S. Case No. 75 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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