

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13984 of 2022

Arising Out of PS. Case No.-844 Year-2021 Thana- KAHALGAON District- Bhagalpur

1. AMARJEET MANDAL @ TANTI MANDAL @ AMARJEET KUMAR SON OF DILSAGAR MANDAL R/O VILLAGE- FARKA, P.S.- SABOUR, DISTRICT- BHAGALPUR
2. DULLO MANDAL @ FULCHAND MANDAL @ FULCHAND KUMAR SON OF LATE BISHANDEO MANDAL R/O VILLAGE- SAHAHPUR, P.S.- GHOGHA O.P., DISTRICT- BHAGALPUR
3. BAMKESH MANDAL @ BEYAMKESH @ KUMAR SON OF LATE BISHANDEO MANDAL R/O VILLAGE- SAHAHPUR, P.S.- GHOGHA O.P., DISTRICT- BHAGALPUR
4. GUDDU MANDAL @ RAHUL KUMAR SON OF LATE BISHANDEO MANDAL R/O VILLAGE- SAHAHPUR, P.S.- GHOGHA O.P., DISTRICT- BHAGALPUR
5. MANTA MANDAL @ MANORANJAN MANDAL @ MANORANJAN KUMAR SON OF LATE BISHANDEO MANDAL R/O VILLAGE- SAHAHPUR, P.S.- GHOGHA O.P., DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Singh, Advocate
	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kahalgaon (Ghogha) PS case no. 844 of 2021 registered for the offences punishable under Section 307 and other allied sections of Indian Penal Code.

At the outset, the learned counsel for the



petitioners seeks liberty to enable the petitioners no. 2 and 3 to surrender before the learned court below and seek regular bail.

Permission so sought, is granted.

Accordingly, the present petition *qua* petitioners no. 2 and 3 stands dismissed as not pressed.

The accused persons including the petitioners herein are alleged to have forcibly entered the house of the informant, whereafter they are stated to have assaulted the informant and his family members. As far as petitioners no. 1 and 4 are concerned, they are not alleged to have engaged in any sort of overt act. As far as petitioner no. 5 is concerned, he is stated to have fired from his countrymade pistol. Other co-accused persons are alleged to have assaulted the informant and other members of the prosecution side, resulting in them being injured grievously.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the present case. The learned counsel for the petitioners no. 1, 4 and 5 has submitted that as far as petitioners no. 1 and 4 are concerned, no allegation has been levelled regarding them having engaged in any sort of overt act and as far as petitioner no. 5 is concerned, though it has been alleged



that he had fired from his countrymade pistol but the fact is that the same had not hit anyone, consequently there is no firearm injury on record to suggest that the overt act *qua* the petitioner no. 5 had resulted in any firearm injury to any member of the prosecution party. It is thus submitted that as far as petitioners no. 1, 4 and 5 are concerned, liberal view may be taken for the purposes of grant of anticipatory bail.

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 petitioner and taking into account the materials available on record as also considering the fact that there is no allegation of any sort of overt act *qua* the petitioners no. 1 and 4 and as far as petitioner no. 5 is concerned, though he is alleged to have fired gun shot but the same has not resulted in any firearm injury to any member of the prosecution party as also the fact that petitioners no. 1, 4 and 5 are having clean antecedent, I deem it fit and appropriate to admit the petitioners no. 1, 4 and 5 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 1, 4 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, is 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, Bhagalpur in connection with Kahalgaon (Ghogha) PS case no. 844 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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