

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24383 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- PARBATTa District- Khagaria

1. ANIL MANDAL Son of Late Visheshwar Mandal Resident of Village - Thebhay, P.S. - Parbatta, District - Khagaria.
2. Shatrughan Kumar Son of Anil Mandal Resident of Village - Thebhay, P.S. - Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 448, 341, 323, 235, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no.1 has antecedent of three cases, petitioner no.2 is a person with clean antecedent and the informant (Kanchan Devi) alleges that on 12.12.2021 at about 1:30 pm, while she was sitting in her house with her family members, five accused persons, including the petitioners, came and started abusing and



Anil Mandal (petitioner no.1) and Bumbum were carrying a licensed gun and petitioner no.1 ordered to kill the informant's husband, thereafter Bumbum assaulted him with butt of gun causing fracture of his left hand, it is next alleged that when informant intervened, petitioner no.1 dashed her by holding her hair and disrobed her and also assaulted her with rod on her private part injuring her and when informant's son intervened, petitioner no.2 assaulted him with an iron rod causing injury on head and thereafter it is alleged that the accused persons also took Rs. 1,28,000/- and jewelry as detailed in the FIR.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and from bare perusal of the FIR it would manifest that the occurrence is dated 12.12.2021 but *fardbeyan* of Kanchan Devi was recorded on 24.12.2021 and thereafter FIR was instituted on 06.01.2022. It is next submitted that from perusal of the FIR it would manifest that it does not even remotely whisper or suggest that on account of assault, the informant became unconscious or was lying in an unconscious state in the hospital on account of which her *fardbeyan* could not be recorded at the earliest. Learned counsel thus submits that this creates doubt with regard to the veracity of the allegations as alleged in the



FIR, it is further submitted that in the FIR it has been alleged that petitioner no.1 assaulted the informant with a rod on her private part causing injury but from perusal of the injury mentioned at paragraph '63' of the case diary it would manifest that the same records that "Kanchan Devi was examined and swelling and pain at right forearm was found", it is next submitted that the injury report does not even whispers that any injury was found on informant's private parts.

Learned counsel for the petitioner handed over the copy of the case diary to the learned A.P.P. for the State who also saw the injury as recorded, it is next submitted that as far as petitioner no.2 is concerned, against him it is alleged that he assaulted son of the informant with rod on head but then the injury caused is simple in nature which amply demonstrates that the blow was not repeated nor there was any intention to commit any serious offence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with Parbatta
(Bharatkhand) P.S. Case No. 08 of 2022 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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