

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34186 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- DHURAIYA District- Banka

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1. ASHISH MANDAL @ ASHISH KUMAR MANDAL SON OF ASHOK MANDAL R/O- VILL- AHIRO (NEAR HANUMAN MANDIR), P.S.- DHORAIYA, DIST.- BANKA
 2. ASHOK MANDAL SON OF LATE SINGESHWAR MANDAL R/O- VILL- AHIRO (NEAR HANUMAN MANDIR), P.S.- DHORAIYA, DIST.- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Adv.
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

After some arguments, learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.1.

Prayer is allowed.

Accordingly, this application with regard to petitioner no.1 is dismissed as withdrawn. Now it is being heard for



consideration of bail as against petitioner no.2.

The petitioner no.2 apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

Allegedly there is an allegation against the petitioner and others of committing '*mar-pit*' with the informant, during which, one Ashish Mandal poured boiled edible oil on the body of informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against Ashish Mandal who poured the boiled oil on the person of informant on the instruction of one Amit Mandal. There is no specific role of petitioner in the alleged occurrence. There is a delay of 32 days in lodging of the F.I.R. which casts a shadow of doubt about the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner no.2, be released on bail, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Dhoraiya P.S. Case No.95/22 (G.R. No.620/2022), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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