

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62337 of 2021

Arising Out of PS. Case No.-135 Year-2021 Thana- RAJAON District- Banka

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SUNNY MANDAL @ SUNNY KUMAR S/o SHIV NARAYAN MANDAL
R/o VILLAGE MOHANA, POLICE STATION-RAJOUN, DISTRICT-
BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that at 10:30 P.M. while he was going to attend nature's call when on the way the accused persons, including the petitioner, came and started abusing him. It is next alleged that the petitioner assaulted the informant by *khanti* on his head causing injury and thereafter the accused persons also snatched Rs. 2,000/- from him.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that at 10:30 P.M. when the informant had gone to attend nature's call he was carrying Rs. 2,000/-, it is next submitted that if the assault was made on the vital part of the body by *khanti* then why the wife of petitioner or his family did not inform the police or went to the hospital. Learned counsel submits that the informant was a drunkard and in the night he fell and the injury was caused and despite injury he did not inform the police fearing his arrest, it is next submitted that the petitioner and the informant are related and are having land dispute but the FIR is completely silent with regard to the relationship of the informant with the petitioner. It is further submitted that since the accused persons including the petitioner and the informant are agnates as such the informant taking advantage of his injury falsely implicated the petitioner in the present case who is a young boy of 19 years of age, it is also submitted that the FIR also does not assign any motive or reason for the occurrence that further creates doubt with regard to the veracity of allegation of assault.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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 Rajoun P.S. Case No. 135 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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