

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.148 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- GOGRI District- Khagaria

1. KISHAN MANDAL @ KISHUN MANDAL Son of Late Bhuto Mandal Resident of Village - Imlitar, Ward No. 18, Jamalpur, Police Station - Gogri, District - Khagaria.
2. Pintu Kumar Son of Kishan Mandal @ Kishun Mandal Resident of Village - Imlitar, Ward No. 18, Jamalpur, Police Station - Gogri, District - Khagaria.
3. Sintu Kumar Son of Kishan Mandal @ Kishun Mandal Resident of Village - Imlitar, Ward No. 18, Jamalpur, Police Station - Gogri, District - Khagaria.
4. Nitish Kumar Son of Kishan Mandal @ Kishun Mandal Resident of Village - Imlitar, Ward No. 18, Jamalpur, Police Station - Gogri, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the Additional Public Prosecutor for the State.

At the outset, the learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail petition, petitioner nos. 1 and 4 have been arrested and, as such, it has become infructuous with respect to them. He, therefore, seeks permission to withdraw this petition with respect to



petitioner nos. 1 and 4.

In view of the aforesaid submission, **this petition is dismissed as withdrawn with respect to petitioner nos. 1 and 4.**

So far as petitioner nos. 2 and 3 are concerned, they apprehend their arrest in connection with Gogri P.S. Case No.221 of 2021 registered for offence punishable under sections 448, 341, 323, 325, 326, 307, 379, 387, 504 and 506/34 of the Indian Penal Code.

As per allegation, the five named accused persons came to the darbaja of the informant in drunken condition. Co-accused Kishan Mandal badly assaulted Mukesh Mandal with butt of three nut. The allegation against the petitioner Pintu Kumar is that he snatched Rs. 5,000/- from the possession of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent. Both the parties are agnates and there is some dispute between them in respect of partition of properties. He has submitted further that though injuries suffered by Mukesh Mandal are grievous in nature, as two teeths were broken but those injuries are not attributed against the petitioners but attributed only against Kishan Mandal.



On the other hand, the learned APP has opposed the prayer for bail and submitted that Mukesh Mandal has suffered grievous injuries.

Considering the above-mentioned facts and circumstances, specially the fact that the petitioners are not assailant of Mukesh Mandal and they are the persons of clean antecedent, **let the petitioner nos. 2 and 3**, in the event of their arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No.221 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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