

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34618 of 2023

Arising Out of PS. Case No.-108 Year-2020 Thana- RUDRAPUR District- Madhubani

1. Mithilesh Mandal S/O Jagdev Mandal R/O Village-Madna, P.S.-Rudrapur, Dist.-Madhubani
2. Kamlesh Mandal Jagdev Mandal R/O Village-Madna, P.S.-Rudrapur, Dist.-Madhubani
3. Shiv Shankar Mandal S/O Ramdeo Mandal R/O Village-Madna, P.S.-Rudrapur, Dist.-Madhubani
4. Ram Nath Mandal S/O Ram Prasad Mandal R/O Village-Madna, P.S.-Rudrapur, Dist.-Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Mr. Hriday Narayan Harshit, learned counsel
for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Rudrapur P.S. Case No. 108 of 2020 registered for the offences punishable under Sections 341, 323, 324, 354, 379, 504, 506/34 of the Indian Penal Code.

3. It is alleged that the petitioner nos.1, 3 and 4 assaulted the informant and his son by means of sharp weapon and lathi over their heads due to which they sustained injuries. Petitioner no.2 also assaulted the informant by fist and kicks.



4. Learned counsel for the petitioners submits that prior to the institution of this case, the father of the petitioner nos.1 and 2 had filed Rudrapur P.S. Case No. 105 of 2020 against the informant and her family members and the present case is nothing but a counter blast. He further submits that so far the injuries sustained to the sons of the informant are concerned, they are found to be simple in nature. He next submits that from the impugned order, it appears that till date the injury report in connection with the informant has not been submitted to the investigating officer though the occurrence has taken place way back in the year 2020. He lastly submits that there is a dispute between the parties and, on account of the same, free fight took place due to which the persons of both the sides have sustained injuries, however, the prosecution has failed to explain the injuries sustained to the persons of the petitioners.

5. On the other hand, learned counsel for the State opposes the application and submits that the petitioner nos.1 and 2 have criminal antecedent against whom specific allegation has been levelled.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that prior to the institution of this case, there had already been FIR instituted by



the father of the petitioner nos. 1 and 2 and the injuries are found to be simple in nature, so far the sons of the informant are concerned, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur, Madhubani in connection with Rudrapur P.S. Case No. 108 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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