

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60680 of 2022

Arising Out of PS. Case No.-75 Year-2014 Thana- BANMANKHI District- Purnia

1. HIRA LAL MANDAL @ HIRA PANJIKAR Son of Chedi Mandal R/V-
Dhokar Dhara, Ward no. 8, P.S- Banmankhi, Dist- Purnea
2. Sakul Sharma @ Sukul Sharma Son of Bindeshwari Sharma R/V-
Majhauria, P.s- Sakra, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-03-2023 Heard the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 341, 323, 324, 427, 307, 447 and 379 of the IPC.

As per the prosecution case, petitioner no.1 has assaulted on the head of the brother of the informant and petitioner no.2 assaulted the father of the informant by means of Khanti.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. There is general and omnibus allegation against the petitioners. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by



submitting that there is specific allegation against the petitioners to assault the informant's brother and father and injury of informant's brother is grievous in nature.

Having regard to the facts and circumstances of the case, since the injury sustained by brother of the informant is inflicted by petitioner no.1 and the same is grievous in nature, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. The prayer for grant of bail on his behalf is rejected.

However, since the injury sustained by father of the informant is simple in nature, 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 Banmankhi P.S. Case No.75 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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