

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60902 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- PIPRA District- Supaul

1. VASUDEV MANDAL @ BASUDEV MANDAL Son of Ramdhani Mandal Resident of Village - Nirmali, Bela Tola, Police Station - Pipra, District - Supaul
2. Sugdev Mandal @ Sukhdev Mandal @ C. K. Prasad @ C. K. Prasad Mandal Son of Ramdhani Mandal Resident of Village - Nirmali, Bela Tola, Police Station - Pipra, District - Supaul
3. Manoj Mandal @ Manoj Kumar Son of Vasudev Mandal @ Basudev Mandal Resident of Village - Nirmali, Bela Tola, Police Station - Pipra, District - Supaul
4. Umesh Mandal @ Umesh Kumar Mandal Son of Jagdev Mandal Resident of Village - Nirmali, Bela Tola, Police Station - Pipra, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 27-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 147, 148, 149, 341, 323, 324, 325, 447, 448, 379, 504 and 506 of the Indian Penal Code.



As per the prosecution case, the petitioners and the co-accused persons came with sharp aged weapons and started abusing and assaulting the informant's father causing head injury. When the informant's brother came to rescue, the petitioner Vasudev Mandal assaulted on his head with *Dabia* causing head injury. When the informant's son came to rescue, the petitioner Sukhdev Mandal assaulted him with *Dabiya* on his head and due to which he became unconscious and fell down. On being objected, the petitioners and the co-accused persons started assaulting the informant with *lathi*, *fatta*, fists and legs and entered his house and took out Rs. 1,00,000/-, gold worth Rs./- 1,80,000, cloths worth Rs. 40,000/-, a buffallo and a goat worth Rs. 85,000/-.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is case and counter case between the parties. The injured persons sustained injuries which are simple in nature except the informant's son. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners by submitting that the petitioner no. 2 Sugdev Mandal @ Sukhdev Mandal



assaulted the son of the informant with *Dabia* due to which he sustained injury on the right parietal bone, which is grievous in nature.

Considering the aforesaid facts and circumstances of the case as well as the grievous injury and the specific allegation against the petitioner no. 2 Sugdev Mandal, the prayer of anticipatory bail of the petitioner no. 2 Sugdev Mandal is, hereby rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

Be that it may, let the petitioner no. 1 Vasudev Mandal, the petitioner no. 3 Manoj Mandal and the petitioner no. 4 Umesh Mandal, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Supaul in connection with Pipra P.S. Case No. 271 of 2021, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following condition.



The application for the petitioner no. 1 Vasudev Mandal, the petitioner no. 3 Manoj Mandal and the petitioner no. 4 Umesh Mandal stands allowed.

(Chandra Prakash Singh, J)

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