

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65645 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- PIPRA District- Supaul

1. VINOD KUMAR MANDAL @ BINOD KUMAR MANDAL @ VINOD MANDAL Son of Baldev Mandal Resident of village - Nirmali, Bela Tola, Ward No.- 03, P.S.- Pipra, District - Supaul.
2. Pramod Kumar Mandal @ Pramod Mandal @ Phulo Mandal Son of Baldev Mandal Resident of village - Nirmali, Bela Tola, Ward No.- 03, P.S.- Pipra, District - Supaul.
3. Anil Mandal @ Anil Kumar Son of Saryug Mandal Resident of village - Nirmali, Bela Tola, Ward No.- 03, P.S.- Pipra, District - Supaul.
4. Saryug Mandal Son of Sita Ram Mandal Resident of village - Nirmali, Bela Tola, Ward No.- 03, P.S.- Pipra, District - Supaul.
5. Laleshwar Mandal @ Lal Mandal Son of Janak Mandal Resident of village - Nirmali, Bela Tola, Ward No.- 03, P.S.- Pipra, District - Supaul.
6. Raj Kumar Mandal Son of Shiv Ram Mandal Resident of village - Nirmali, Bela Tola, Ward No.- 03, P.S.- Pipra, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-04-2023 Heard Mr. Madhav Jha, learned counsel for the
petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Pipra P.S. Case No. 272 of 2021 for the offence registered under sections 147, 148, 149, 447, 448, 341, 323, 324, 325, 379, 504 and 506 of the Indian Penal Code lodged on 14.09.2021 by the informant Sukhdev Mandal.



The prosecution case in brief is that the informant alleged that petitioners including other family members armed with pistol, '*Farsa*', '*Bhala*', '*Khanti*', '*Rod*' and '*Lathi*' etc. came to his door and started abusing, beating his brother and tried to strangulate him. Further allegation was that the accused persons also assaulted Umesh Mandal, Pramod Mandal, Basudev Mandal, Sukhdev Mandal, on the head by '*farsa*'. Thereafter, all accused persons entered the house, abused the ladies and took away jewelry, clothes and about Rs. 69,000/- in cash and articles worth Rs. 2 lakhs. They also threatened to kill. Later on neighbours came and brought to Pipra Primary Health Centre for treatment. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioners that both are agnates, there is case and counter case, the case of the accused person being Pipra P.S. Case No. 271 of 2021 while the present case is Pipra P.S. Case No. 272 of 2021. It is further submitted that an omnibus allegation against all the accused persons of hitting the informant's side causing injuries to them have been made. With the help of Annexure-3 series, he has taken this Court to show that all the injuries have been found to be simple in nature. It is his further submission that with the help of Annexure-4 that in fact the accused side has



suffered grievous injury as much as in the case of Tuntun Mandal the Doctor has found an injury to be grievous.

It is his last submission that both the parties being agantes, irrespective of the outcome of the present case and without accepting the allegations made in the FIR, all the six petitioners will be contributing Rs. 5,000/- each to the informant side as medical assistance to break the ice between the parties, the same will be deposited through Bank Draft before the concerned Court to be released in favour of informant after ascertaining his identity.

Learned APP for the State, on the other hand, opposes the prayer but concedes that there is case and counter case and the accused side have suffered grievous injuries as also the fact that their case is being earlier to the present case.

In the aforementioned circumstances and considering the submissions put forward by the learned counsel for the petitioners herein as also that omnibus allegation is there and injury has been found to be simple in nature, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 30,000/- (5,000x6 each).

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VI, Supaul in connection with Pipra P.S. Case No. 272 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C., subject to condition that the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bond.

(Rajiv Roy, J)

Jagdish/Neha/-

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