

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73096 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- DHANKUND District- Banka

1. SHAMBHU MANDAL Son of Kishori Mandal Resident of Village - Bhatuachak, P.S.- Dhankund, District - Banka.
2. Vijay Mandal @ Vijoy mandal Son of Kishori Mandal Resident of Village - Bhatuachak, P.S.- Dhankund, District - Banka.
3. Sohan Mandal Son of Kishori Mandal Resident of Village - Bhatuachak, P.S.- Dhankund, District - Banka.
4. Mohan Mandal Son of Kishori Mandal Resident of Village - Bhatuachak, P.S.- Dhankund, District - Banka.
5. Umiya Kumar Son of Shambhu Mandal Resident of Village - Bhatuachak, P.S.- Dhankund, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-02-2023 Heard both sides.

The petitioners apprehend their arrest in connection with Dhankkund P.S. Case No.69 of 2022, registered for the offences punishable under Sections 147, 149, 341, 323, 325, 379, 307, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that on 21.07.2022 at about 4.00 p.m. due to land dispute, the petitioners came and started abusing the informant, Kundal Mandal. When the informant protested, the petitioners assaulted the informant with sickle. It is further alleged that petitioner no.3, Sohan Mandal



assaulted the informant by means of sickle on his head causing cut injury. Petitioner No.1, Shambhu Mandal gave iron rod blow on the hand of the informant causing fracture injury. It is also alleged that when the wife and other family members of the informant came to save the informant, they were also assaulted by all the petitioners.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that petitioners and informant are agnates. There is case and counter case between the parties and both sides sustained injuries. It is submitted that the specific allegation is against petitioner no.1, Shambhu Mandal that he assaulted the informant by means of iron rod and the informant sustained fracture injury. The allegation against petitioners no.2 to 5 is general and omnibus.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioners.

Considering the fact that there is specific allegation of assault against petitioner no.1, Shambhu Mandal, I am not inclined to enlarge petitioner no.1, Shambhu Mandal on



anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to petitioner no.1, Shambhu Mandal is hereby rejected.

So far as petitioners no.2 to 5 are concerned, considering the fact that allegation against petitioners no.2 to 5 is general and omnibus, let petitioners no.2 to 5, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Banka in connection with Dhankund P.S. Case No.69 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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