

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7460 of 2024

Arising Out of PS. Case No.-359 Year-2019 Thana- PARBATTa District- Khagaria

1. Pawan Kumar Mandal @ Pawan Mandal @ Pawan Kumar S/O Sanjay Mandal
 2. Sanjay Mandal S/O Ram Swarup Mandal
 3. Ashok Mandal S/O Late Phuchal Mandal
 4. Harichandra Mandal S/O Bechan Mandal
 5. Guddu Mandal S/O Janardan Mandal
- All are R/O Village- Thebhay, P.S- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
341, 323, 325, 307, 504, 506/34 of the IPC.

3. The learned counsel for the petitioners submit that
petitioners are person with clean antecedent and allegation is of
assaulting the informant by the accused persons including the
petitioner.

4. It is next submitted that from perusal of the
allegation as alleged in the FIR, it would manifest that
informant does not allege any motive for the occurrence. It is



also submitted even presuming what has been alleged is true without admitting then specific allegation of assaulting the informant on head is against Pawan Kumar Mandal @ Pawan Mandal (petitioner no.1). It is next submitted that as far as Sanjay Mandal (petitioner no.2) is concerned against him it is alleged that he also assaulted by butt of a gun on non-vital part of the body and as far as other petitioners are concerned, the allegation of assault against them is general and omnibus in nature. It is further submitted that even the order impugned does not record the nature of injury.

5. The learned counsel for the petitioners at this stage again submit that though allegation of assault against petitioner no.1 is there but then the blow was not repeated, as such it can well be presumed that petitioner no.1 never had any intention of causing serious injury.

6. The learned APP opposes the anticipatory bail application and submits that specific allegation of assault is against Pawan Kumar Mandal @ Pawan Mandal of assaulting the informant by an iron rod causing injury on head.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioner above-named, in the event of their arrest or surrender before the learned Court below



within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Parbatta P.S. Case No.359 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that the learned trial court before accepting the bail bond of the petitioner no.1 would verify the injury report and, in the event if, it is found that the injuries suffered by the injured on head is grievous in nature, in that event, the present anticipatory bail order shall not be given effect to only against Pawan Kumar Mandal @ Pawan Mandal, but if the injury is simple in nature in that event then bail bond of the petitioner no.1 shall be accepted forthwith.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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