

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25333 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- BELDOUR District- Khagaria

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1. Umesh Mandal S/o Late Saryug Mandal R/o vill - Sakrohar, ward no. 12, P.S. - Beldaur, Distt. - Khagaria
 2. Ritesh Kumar Mandal @ Ritesh Kumar S/o Umesh Mandal R/o vill - Sakrohar, ward no. 12, P.S. - Beldaur, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-04-2024 Heard Mr. Anuj Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ajit Kumar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Beldaur P.S. Case No. 43 of 2023 registered under Sections 341, 323, 325, 384, 504, 506 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, due to non-fulfillment of demand of extortion of Rs.50,000/-, the accused persons named in the FIR had assaulted the informant.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners have been implicated in the false case due to previous enmity. The petitioners were also the one, who had demanded extortion of Rs.50,000/- from the informant. That apart, a general, vague and omnibus allegation has been made against the petitioners that they assaulted the



informant. Petitioners have clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, previous enmity between the parties, allegation of assault is against them but in absence of injury report, it can not be ascertained about the nature of injury. No case is made out, as far as, delivery of extortion money is concerned.

7. The District Court is directed to call for injury report, if available and collected in course of investigation and if injuries are simple in nature or are not on vital part of the body, then in that case, the petitioners are directed to be released on pre-arrest bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate, Khagaria in connection with Beldaur P.S. Case No. 43 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J.)

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