

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73481 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Mufassil District- Purnia

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1. Mohan Mandal Son of Late Prithavi Mandal Village- Jiya Gachhi, Ps- Muffasil, Dist- Purnea
 2. Nitish Kumar Mandal @ Nitish Kumar son of Kasturi Mandal Village- JiyaGachhi, PS- Muffasil, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-11-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for grant of anticipatory bail apprehending their arrest in connection with Mufassil P.S. Case no.35 of 2024 registered for the offence punishable under sections 307, 379, 147, 148, 341, 323, 324, 325,354(b), 504 and 506 of the Indian Penal Code.

3. As per allegation in the F.I.R, the informant states that eight named accused persons including two petitioners herein, over an altercation came variously armed and started to assault the informant and the members of her family. It is stated that petitioner no.1 assaulted Pankaj Mandal with *khanti* on his head while the petitioner no.2 assaulted one Bablu



with an iron rod on his head. The accused took away Rs.32,000/ in cash besides other articles including ornaments. The injured were taken to the hospital for treatment.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. No occurrence as alleged in the FIR has taken place. Even accepting the allegations levelled for the sake of argument it has nowhere been stated that the alleged injury caused were grievous in nature. Thus the case under section 307 and other sections of the Indian Penal Code would not be made out against the petitioners. The petitioners have no criminal antecedent and undertake to cooperate in the investigation/trial.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R. wherein specific allegation has been levelled against the two petitioners of having assaulted on the vital part of the body with a *khanti* and an iron rod together with the contents of the order of the learned trial Court wherein it has been stated that the allegations have been corroborated by the injury report, the Court is not inclined to enlarge the petitioners on anticipatory bail and the



application is rejected.

7. The petitioners are directed to surrender in the
learned Court below within a period of four weeks.

(Partha Sarthy, J)

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