

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77231 of 2023

Arising Out of PS. Case No.-486 Year-2023 Thana- BANKA District- Banka

BALI MANDAL @ MITHILESH KUMAR Son of Prakash Mandal Resident of village - Satghara, Police Station - Habibypur, District - Bhagalpur At present Resident of village - Karhariya, Police Station and District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in connection with Banka P.S. Case No. 486 of 2023 dated 14.07.2023 registered for the offence/s punishable u/ss 143, 149, 341, 323, 324, 379 and 307 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons along with 2-3 are alleged to have stopped the informant and assaulted him. When the informant protested, the accused Belcha @ Rupesh Kumar assaulted him on his head with bamboo due to that the informant fell down and became unconscious



and thereafter they fled away after taking his motorcycle and mobile.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The specific allegation of assault is against the co-accused Belcha @ Rupesh Kumar. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Banka in connection with Banka P.S. Case No. 486 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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