

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85868 of 2023

Arising Out of PS. Case No.-48 Year-2020 Thana- GURUA District- Gaya

1. Sudhir Mandal, Son Of Devraj Mandal, Resident of Village- Manjhar, PS- Gurua, Distt- Gaya.
2. Mundra Mandal @ Birbal Kumar Son of Maheshi Mandal, Resident of Village- Manjhar, Ps- Gurua, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Learned counsel for the petitioners submits that petitioner no. 1 has been arrested during pendency of the present petition and he seeks permission to withdraw the petition as against petitioner no.1, namely, Sudhir Mandal.

02. Permission is accorded.

03. Accordingly, the present petition stands dismissed as withdrawn as against petitioner no. 1, namely, Sudhir Mandal.

04. Heard learned counsel for the petitioner and learned A.P.P. for the State.

05. In the present case, the petitioner is apprehending his arrest in connection with Gurua P.S. Case No. 48 of 2020, registered for the alleged offence under Sections 147, 148, 149, 341, 323, 307, 427 of the Indian Penal Code.



06. As per prosecution case, the petitioner and other co-accused persons who were armed with iron rod, lathi and sword entered into the house of the informant and started assaulting the informant. When the family members of the informant intervened, they were also assaulted, causing a number of injuries to them.

07. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegation against the petitioner is false and concocted. For the same occurrence, petitioner's side has also filed Gurua P.S. Case No. 53 of 2020 for offence punishable under Section 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code. Learned counsel further submits that on the eve of Holi festival, some dispute occurred and scuffles took place between the parties and both sides sustained injuries. Moreover, the allegation against the petitioner is general and omnibus with other co-accused persons and from the facts of the F.I.R. itself, no offence under Section 307 IPC is made out against the petitioner. The petitioner has got no criminal history.

08. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

09. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering non-specific nature of allegation against the petitioner and further considering the case and counter case between the parties, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Sherghati, Gaya in connection with Gurua P.S. Case No. 48 of 2020, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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