

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64051 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Raja Mandal @ Raja Kumar son of Laddu Mandal @ Guddu Mandal
Village- Talhan, Ps- Sadar, dist- Darbhanga
 2. Dharmendra Mandal son of Suresh Mandal @ Suresh Manda village-
Talhan, Ps- Sadar, dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-01-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Sadar P.S. Case No. 173 of 2024 instituted under Sections 341, 504, 323, 308, 379, 506/34 of IPC lodged on 01.4.2024 by the informant, Sangeeta Devi.

3. As per the prosecution story, the informant alleged that all the accused persons came to the shop of her father-in-law and wanted the items without any payment. Upon refusal, allegation against petitioner no.2, Dharmendra Mandal is of using iron rod on his head as also right eye, Guddu Mandal of using 'kudal' on the informant while petitioner no.1, Raja Mandal gave injury to her brother-in-law on his head, all of them were injured. And then, there is allegation of removal of ear ring and other items from the shop. The injured were taken to Darbhanga Medical College Hospital where they were undergoing treatment which followed the FIR.



4. Learned counsel for the petitioner submits that though the allegation of assault is on both of the petitioners, the doctors have not found the injury to be grievous in nature. It is his further submission that there is a case and counter case between the parties.

5. Learned APP, on the other hand, has drawn the attention of this Court to the order of learned Sessions Judge, Darbhanga to show that the doctor has found the laceration 8x1x0.5 cm in right parietal region over the person of the injured and further abrasion of 3x2 cm over right forehead on Dina Mandal. It is the case of the petitioners that Dina Mandal is a convict.

6. Learned APP submits that this cannot be a ground for the petitioners to take the law in their own hand.

7. Considering the submissions of the parties as also the fact that the allegation is there in the FIR against both these petitioners of using rod to assault the injured persons, in that background, this Court is not inclined to grant privilege of anticipatory bail, the same stands rejected.

(Rajiv Roy, J)

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