

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32994 of 2016

Arising Out of PS.Case No. -236 Year- 2015 Thana -PALASI District- ARRARIA

1. Pralahad Madal @ Pralhad Mandal Son of Sudhir Mandal Resident of Village- Orlaha, P.S. Palasi, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Sri Vinod Shankar Modi, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Palasi P. S. Case No. 236/2015 registered for the offence punishable under Sections 341, 342, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

The prosecution case as per the F.I.R. is that all the accused persons called the informant at their residence on the pretext of talk on urgent matter and when the informant reached there, the accused persons after tying the informant with a rope, abused him and assaulted brutally and this accused Pralahad Mandal gave a basula blow on the head of the informant and took away Rs. 25,000/- from the pocket of the informant.



It has been submitted by the learned counsel for the petitioner that the informant is the father of the petitioner and due to land dispute, this occurrence is alleged to have taken place. He further submits that the injury caused to the informant is found to be simple in nature and on the basis of the land dispute, the mother of the petitioner has also lodged an F.I.R. bearing Palasi P.S. Case No. 238 of 2015 against the informant wherein the informant had brutally beaten his family members including the petitioner. It has further been submitted that the petitioner has no criminal history as is evident from para-3 of this application. He also submits that Section 307 is not applicable and Section 379 of the I.P.C. is a super addition.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the allegation has been levelled by the father against the son and there is land dispute between the parties as well as a counter case, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the

satisfaction of the learned Additional Chief Judicial Magistrate-
III, Araria in connection with Palasi P.S. Case No. 236 of 2015,
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Nilu Agrawal, J)

Sudha/-

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