

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51316 of 2019**

Arising Out of PS. Case No.-100 Year-2019 Thana- DHAMDAHA District- Purnia

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1. RAJESH MANDAL Son of Fekan Mandal Resident of Village-Depauti Purandaha, Ward No.4, P.S.-Dhamdaha, District-Purnea.
  2. Jai Kumar Mandal Son of Fekan Mandal Resident of Village-Depauti Purandaha, Ward No.4, P.S.-Dhamdaha, District-Purnea.
  3. Mithilesh Mandal Son of Fekan Mandal Resident of Village-Depauti Purandaha, Ward No.4, P.S.-Dhamdaha, District-Purnea.
  4. Kiran Devi Wife of Rajesh Mandal Resident of Village-Depauti Purandaha, Ward No.4, P.S.-Dhamdaha, District-Purnea.
  5. Fekan Mandal Son of Late Matru Mandal Resident of Village-Depauti Purandaha, Ward No.4, P.S.-Dhamdaha, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                    |
|----------------------------|---|----------------------------------------------------|
| For the Petitioner/s       | : | Mr. N. K. Agrawal, Sr. adv.<br>Mr.Dr. Bidhu Ranjan |
| For the Opposite Party/s : |   | Mr.Md. Shakir Ahmad                                |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      17-08-2019                      Heard learned Senior Counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises  
out of Dhamdaha Police Station Case No. 100 of 2019,  
disclosing offences under Sections 447/341/323/325/307/504/34  
of the Indian Penal Code.

The allegation against the petitioners, as per the First  
Information Report, is that the petitioners, along with other,  
assaulted the informant and his wife by means of lathi, danda



etc., causing injuries to them.

Learned Senior Counsel for the petitioners submits that both the parties are neighbours and there is land dispute between them. He further submits that there is case and counter case inasmuch as Dhamdaha Police Station Case No. 99 of 2019 was lodged by petitioner no. 2 against the prosecution side for the same incident. He further submits that on perusal of Annexures 3 and 4, which are the injury reports of the informant as well as his wife, it would be evident that injuries caused to them are not serious in nature

After having heard learned Counsel for the parties and taking into consideration the fact that both the parties are neighbours, there is case and counter case and the case lodged by petitioner no. 2 is prior in time and the injuries caused to the informant and his wife are not serious in nature, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in



connection with Dhamdaha Police Station Case No. 100 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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