

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48263 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- BHAWANIPUR District- Purnia

1. UPENDRA MANDAL Son of Late Chalitar Mandal Resident of Village- Durgapur, Milki Tola, P.S.- Bhawanipur, District- Purnea
2. Murari Mandal Son of Sri Upendra Mandal Resident of Village- Durgapur, Milki Tola, P.S.- Bhawanipur, District- Purnea
3. Rajendra Mandal Son of Sri Upendra Mandal Resident of Village- Durgapur, Milki Tola, P.S.- Bhawanipur, District- Purnea
4. Suresh Mandal Son of Late Mahadev Mandal Resident of Village- Durgapur, Milki Tola, P.S.- Bhawanipur, District- Purnea
5. Amol Mandal @ Amol Kumar Son of Sri Bijo Mandal Resident of Village- Durgapur, Milki Tola, P.S.- Bhawanipur, District- Purnea
6. Rajesh Kumar Son of Suresh Mandal Resident of Village- Durgapur, Milki Tola, P.S.- Bhawanipur, District- Purnea
7. Rupesh Mandal @ Rupesh Kumar Son of Sri Lal Mandal Resident of Village- Durgapur, Milki Tola, P.S.- Bhawanipur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-08-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
147,149,341,323,324,307,354,504 and 506 of the IPC.

The prosecution case as per the written report of Leela
Devi submitted to the SHO, Bhawanipur Police Station is to the
effect that 16.11.2018 at 12.05 P.M. the petitioners along with



other persons assembled to harvest the paddy crop of the informant. On receiving such information, the informant along with others reached on the land in question. It is alleged that on the order of co-accused Arvind Mandal, accused persons assaulted the brother-in-law of the informant, namely, Tuntun Mandal with iron rod whereas petitioner no. 4 Suresh Mandal assaulted the informant and when Bambam Mandal and Anand Kumar came to rescue, they were also assaulted by petitioner no. 6 Rajesh Kumar.

It is submitted by learned counsel for the petitioners that the accusation of assault has been levelled in the background of land dispute and the injuries have been found to be simple. There is counter version of the occurrence being Bhawanipur P.S. Case No. 221 of 2018 with the accusation under Sections 147,149,341,323,324,307,379,511 and 120B of the IPC. Moreover, the petitioners' side also received injury and the injury received by petitioner no. 1 has been found grievous in nature whereas injury of informant side has been found simple.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the genesis of the occurrence, there being a counter version of the occurrence and one of the petitioners received



grievous injury coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Purnea in connection with Bhawanipur P.S. Case No. 222 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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