

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53636 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- ISMAILPUR District- Bhagalpur

RAJA MANDAL Son of Subodh Mandal, Resident of Village- Jaimangal
Tola, P.S.- Ismailpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-08-2019 Heard both sides.

The petitioner apprehends his arrest in Ismailpur P.S.
Case No.01 of 2019 registered under Sections 307, 379, 427,
323 and other minor sections of the Indian Penal Code.

The informant alleged that while he was sitting at his door on 25.12.2018, the petitioner and eight other accused persons came there and began to abuse the informant. The accused persons cut bamboo of the informant and on protest they bent upon to assault the informant and others. The informant fled away towards his house but the petitioner assaulted the informant with iron rod on his head. When the wife of informant and son came to save, Balmiki Mandal assaulted the wife of the informant causing fracture injury on her hand. The accused persons also assaulted the son of the



informant.

Learned counsel for the petitioner submits that the occurrence took place on 25.12.2018 but the F.I.R. was lodged on 11.01.2019. It is further submitted that admittedly the occurrence took place on account of cutting of bamboo and there is a land dispute between two sides. One title appeal is also pending between the two sides. On the statement of Balmiki Mandal, Ismailpur P.S. Case No.57 of 2018 is registered on the next day of the occurrence. It is further submitted that Balmiki Mandal, who is said to have caused fracture injury on the hand of the wife of the informant has already been granted anticipatory bail by a coordinate Bench of this court vide order dated 16.07.2019 passed in Cr.Misc.No.43463 of 2019. The petitioner is a student and he deserves anticipatory bail, but it appears that there is allegation that it was petitioner, who gave iron blow on the head of the informant and the informant was admitted in J.L.N.M.C.H., Bhagalpur. On the next day i.e. 26.12.2018 the informant made his statement before the police officer and on such statement the present F.I.R. was lodged on 11.01.2019. It appears that Balmiki Mandal, of course, caused grievous injury to the wife of the informant, but the petitioner caused injury on the head of the



informant, which is opined to be grievous in nature.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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