

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60583 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- CHAUSA District- Madhepura

1. Shashi Mandal @ Shashi Bhushan Mandal, Age 45 years, Male, S/o Ram Mandal @ Ram Chandra Mandal, R/o village Dhaneshpur Dih, P.S. Chausa (Fulaut O.P.), District Madhepura.
2. Manohar Mandal, Age 40 years, Male, S/o Ram Mandal @ Ram Chandra Mandal, R/o village Dhaneshpur Dih, P.S. Chausa (Fulaut O.P.), District Madhepura.
3. Santlal Mandal, Age 51 years, Male, S/o Chamaklal Mandal, R/o village Dhaneshpur Dih, P.S. Chausa (Fulaut O.P.), District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Rajeev Nayan(App.231)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-10-2019 Heard both sides.

The petitioners apprehend their arrest in Chausa (Fulaut) P.S. Case No.21 of 2019, registered under Sections 341, 323, 354(A), 307, 379, 504, 506 and 34 of the Indian Penal Code.

The informant named the petitioners and other accused persons and alleged that they having armed with different weapons went to the land and started fixing pillar in the land of the informant. Chhatish Mandal, the brother of the informant and Rita Devi, wife of Chhatish Mandal protested but Shashi Mandal @ Shashi Bhushan Mandal, petitioner no.1 gave



blow on the head of Chhatish Mandal causing bleeding injury on the head. Other accused persons are alleged to have assaulted the sister-in-law of the informant and torn her clothes.

Learned counsel for the petitioners submits that the petitioners are co-sharers of the informant. There is bona fide land dispute. Only petitioner no.1, Shashi Mandal @ Shashi Bhushan Mandal is alleged to have assaulted Chhatish Mandal with iron rod on his head and the injury found on the head of Chhatish Mandal is opined to be grievous in nature. The learned Sessions Judge has taken note of this fact but did not mention anything about the injuries found on the person of Rita Devi, the wife of Chhatish Mandal. The allegation of assault on Rita Devi is with a view to make the offence grievous. No specific allegation of assault is made against Manohar Mandal, petitioner no.2 and Santlal Mandal, petitioner no.3. The allegation of theft is ornamental.

Perused the records. It appears that Shashi Mandal @ Shashi Bhushan Mandal is alleged to have assaulted with iron rod on the head of Chhatish Mandal, the brother of the informant and other accused persons are alleged to have assaulted the sister-in-law of the informant but no injury, as appears from the order of the learned Sessions Judge and also it



is submitted by the learned counsel for the petitioners, was found on the person of Rita Devi, the wife of Chhatish Mandal. The injury found on the head of Chhatish Mandal is opined to be grievous. The author of the aforesaid injury is petitioner no.1, Shashi Mandal @ Shashi Bhushan Mandal.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner no.1, namely, Shashi Mandal @ Shashi Bhushan Mandal on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, Shashi Mandal @ Shashi Bhushan Mandal is rejected.

So far as the case of petitioner no.2, Manohar Mandal and petitioner no.3, Santlal Mandal is concerned, no specific allegation of assault is made against them and they are alleged to have assaulted Rita Devi but no injury was found on the person of Rita Devi. There is a counter version and petitioners are co-sharers of the informant, brother of Chhatish Mandal.

Taking into consideration the facts aforesaid, let petitioner no.2, namely, Manohar Mandal and petitioner no.3, namely, Santlal Mandal, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail 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
S.D.J.M., Udakishunganj at Madhepura in connection with
Chausa (Fulaut) P.S. Case No.21 of 2019, subject to the
conditions laid down under Section 438(2) of the Code of
Criminal Procedure.

(Prabhat Kumar Jha, J)

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