

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82300 of 2019**

Arising Out of PS. Case No.-22 Year-2019 Thana- CHAUSA District- Madhepura

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Biro Mandal @ Birendra Mandal, aged about 34 years, Sex-Male, Son of Late Rajendra Mandal Resident of Village - Dhaneshpur, Police Station- Chausa (Fulout), District - Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Advocate
For the State : Mr. Ashok Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 12-12-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Chausa (Fulout) PS Case No. 22 of 2019 dated 21.01.2019 instituted under Sections 341, 323, 354(A), 307, 448, 380, 427, 504, 506/ 34 of the Indian Penal Code.

3. The allegation against the petitioner and four others is of assault on the brother-in-law (*Devar*) of the informant.

4. Learned counsel for the petitioner submitted that the genesis of the occurrence, as per the FIR itself, is that the informant had started cleaning an area of land to which the accused objected claiming it to be their land, due to which the



accused are said to have assaulted the informant and upon her brother-in-law coming to save her, he was assaulted by iron rods and sticks resulting in injury on his head. It was submitted that the parties are neighbours and there is land dispute and the present case is a counter case to the case filed earlier by a co-accused against the informant and her family members with regard to the same incident, in which also the informant's side in the present case, had inflicted blows resulting in head injury. It was submitted that other co-accused have been granted bail by the Court below and the petitioner having no criminal antecedent is in custody since 16.09.2019. It was submitted that even the injury report only shows tenderness on the head on the left temporal region but no serious injury was caused and further, no repeated blows were given by the petitioner, even as per the allegation made in the FIR.

5. Learned APP submitted that there is allegation of assault upon the head given by the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Udakishunganj, District- Madhepura in



Chausa (Fulout) PS Case No. 22 of 2019, subject to condition that one of the bailors shall be close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Vikash/Ranjit

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