

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12231 of 2020

Arising Out of PS. Case No.-323 Year-2019 Thana- KHARHAGPUR District- Munger

1. Jagarnath Prasad Singh @ Jagarnath Mandal Son of Late Prayag Mandal Resident of Village - Khaje Chak, P.S.- Kharagpur, District - Munger
2. Sadanand Kumar @ Sadanand Mandal Son of Late Prakash Mandal Resident of Village - Khaje Chak, P.S.- Kharagpur, District - Munger
3. Samsher Mandal Son of Sahdev Mandal Resident of Village - Khaje Chak, P.S.- Kharagpur, District - Munger
4. Arbind Keshri Son of Late Brahamdev Keshri Resident of Village - Khaje Chak, P.S.- Kharagpur, District - Munger
5. Dheeraj Kumar @ Dheeraj Mandal Son of Late Ram Bhajju Mandal Resident of Village - Khaje Chak, P.S.- Kharagpur, District - Munger
6. Neeraj Kumar @ Neeraj Keshri @ Niranjan Keshri Son of Late Brahamdev Keshri Resident of Village - Khaje Chak, P.S.- Kharagpur, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Tarkeshwar Prasad Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-12-2020 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Kharagpur P.S. Case no. 323 of 2019 registered under sections 308, 147, 148, 149, 341, 323, 448, 427, 504, 506, 379 and 354 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that 22 named accused persons including the six petitioners herein opposing the measurement of a land, entered the house of the informant, threw and broke various articles and started to



assault the informant and his brother as a result of which they sustained injuries. It is further stated that other members of the informant's family were also assaulted.

It is submitted by learned counsel for the petitioners that the allegations are general and omnibus in nature. The petitioners have been falsely implicated in the case because of land dispute. The injury report does not support the allegation of brutal assault by 22 persons. It is further submitted that the case of the petitioners stands on a similar footing to that of four other co-accused who have been enlarged on bail by order dated 3.9.2020 passed in Cr. Misc. no. 12138 of 2020.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but there is specific allegation against them of having brutally assaulted the brother of the informant. Further, referring to page 1 of the FIR as also the 1st page of the written report, it is submitted that it is for oblique reasons that after registering the FIR under section 307 of the Indian Penal Code the same was changed to section 308 of the Indian Penal Code and from perusal of the FIR overwriting would be clearly visible. It is submitted that it is not a fit case for grant of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners, the delay in lodging of the FIR, injury report not fully supporting the allegation and grant of bail to co-accused, the Court is inclined to enlarge all the six petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in



the event of their arrest or surrender in connection with Kharagpur P.S. Case no. 323 of 2019 they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M IV, Munger subject to the conditions as laid down under section 438(2) of the Cr.P.C

(Partha Sarthy, J)

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