

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21656 of 2020

Arising Out of P.S. Case No.-22 Year- 2019 Thana- Bandhuwa Kuraba, District- Banka

- =====
1. RADHEY MANDAL aged about 58 years, (male), S/o- Lt. Bishwanath Mandal.
2. DABLU MANDAL aged about 21 years, (male), S/o- Jai Prakash Mandal both R/o village- Ashnaha, P.S.- Bandhuwa Kuraba, District- Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ajay Mukherjee, Advocate
: Mr.Ganesh Sharma
For the Opposite Party : Mrs.Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-08-2020 Heard Mr. Ajay Mukherjee, learned counsel

 appearing on behalf of the petitioners and Mrs. Anita Kumari

 Singh, learned Additional Public Prosecutor, for the State of

 Bihar.

 This application for grant of anticipatory bail arises

 out of Bandhuwa Kuraba P.S. Case No. 22 of 2019, registered

 for the offence punishable under Sections 341, 323, 307, 504,

 506/34 of the Indian Penal Code.

 It is evident from the F.I.R. itself that partition dispute

 in the family is the reason behind the alleged occurrence. On the



alleged date of occurrence, it is said that a *panchayat* was held for resolving the dispute between the three brothers. The decision of Panchas was however not acceptable to two brothers and they were allegedly ploughing piece of land, which had fallen in the share of the informant. It is said that when objected to, the petitioners and other family members including female members assaulted the informant and the family members.

Learned counsel for the petitioner has submitted that the injury has been found to be simple in nature.

Be that as it may, considering the genesis of occurrence and nature of accusation, in my opinion, case for grant of anticipatory bail is made out.

This application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-I, Banka in connection with Bandhuwa Kuraba P.S. Case No. 22 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of



social-distancing.

(Chakradhari Sharan Singh, J)

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