

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24411 of 2020

Arising Out of PS. Case No.-254 Year-2019 Thana- BARHARA KOTHI District- Purnia

1. SUKKAR MANDAL Son of Bhagat Mandal Resident of Village- Bithaili, P.S.- Barhara Kothi, District- Purnea.
2. Manish Mandal Son of Gonar Mandal Resident of Village- Bithaili, P.S.- Barhara Kothi, District- Purnea.
3. Loha Mandal Son of Rajendra Mandal Resident of Village- Bithaili, P.S.- Barhara Kothi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyanand Roy

For the Opposite Party/s : Mr. Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor representing the State, through Video Conferencing.

The petitioners apprehend arrest in connection with Barhara Police Station Case No. 254 of 2019, registered for the offences punishable under Sections 147/148/149/341/323/324/307/379/386/436/504/506 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report lodged by one Mithilesh Kumar Yadav, is that the petitioners, along with other co-accused persons, altogether 29 in numbers, arrived at the field of the informant where sister and brother of the informant were cutting paddy crops and the petitioner no. 1 assaulted the sister of the



informant on her head by means of butt of the rifle, petitioner no. 2 set the house of the informant on fire and petitioner no. 3 gave garasa blow on the head of Mala Devi, sister of father of the informant.

Learned Counsel for the petitioners submits that there is land dispute between the parties inasmuch as the petitioners have purchased a piece of land in the village, which the informant's side also wanted to purchase and the informant and his associates lodged a case under Section 48E of the B. T. Act against the vendors of the petitioners. He further submits that the side of the informant were aggressors and they tried to forcibly capture the land purchased by the petitioners and due to which scuffle took place between the parties, for which a counter case was also lodged by one of the female members from the side of the petitioners, bearing Barhara Police Station Case No. 255 of 2019. He, referring to Annexure-3, submits that earlier also, the mother of petitioner no. 3 had lodged Barhara Police Station Case No. 38 of 2015 against the informant and his father. He further submits that the father of the informant, Sikandar Yadav, was held guilty in Barhara Police Station Case No. 66 of 2003 (under Section 302 of the Indian Penal Code) and presently, he is on bail. He, referring to injury reports,



submits that the injuries caused to the victims have been found to be simple in nature.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that both the parties are co-villagers, there is case and counter case and the injuries caused to the victims have been found to be simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of six weeks from today, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea, in connection with Barhara Police Station Case No. 254 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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