

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20986 of 2021

Arising Out of PS. Case No.-398 Year-2020 Thana- JHAJHA District- Jamui

MAKHAN MANDAL S/O TOTO MANDAL R/O VILLAGE-
CHHUCHHNRIYA, P.S JHAJHA, DISTRICT-JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr.Adv. Mr.Umesh Prasad, Adv.
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the Informant	:	Mr. Rudra Deo, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-11-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

In view of the supplementary affidavit filed on behalf of the petitioner, let the correction be carried out in the prayer portion of the main petition with regard to the police station case number and satisfaction of the learned court below. It should be correctly read as Jhajha P.S. Case No.398/2020 and the designation of the court would be the court of learned C.J.M., Jamui.

Learned counsel is permitted to carry out the correction in the prayer portion in course of the day.



Heard Mr. Krishna Prasad Singh, learned senior counsel assisted by Mr. Umesh Prasad, learned counsel for the petitioner, Mr. Rudra Deo, learned counsel for the informant and Mr. Bharat Lal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jhajha P.S. Case No.398 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added. He is in custody since 23.11.2020. The petitioner has got two criminal antecedents. It is stated that in one of the cases final form has been submitted showing him not sent-up for trial and in the another case the petitioner is on bail.

Learned senior counsel for the petitioners submits that there is a case and counter case between the parties, copies of which are Annexure-1 and Annexure-2 respectively. Admittedly both the parties seem to have gone for a free fight while attempting to harvest the paddy crops and they assembled on the place of occurrence in large numbers in which the alleged occurrence has taken place. As per the allegations in the present case altogether 14 named accused persons had indulged in causing assault on the other side



whereas as per the counter case lodged by this petitioner altogether 20 named persons from the other side had indulged in causing assault. Both the FIRs have been lodged on the same date with respect to the same occurrence.

Learned senior counsel further submits that so far as this petitioner is concerned, he is said to have assaulted by an iron rod to one Gopal Mandal who has sustained simple injury.

It is his submission that in the nature of the dispute between the parties and the allegation against this petitioner of having assaulted only Gopal Mandal causing him simple injury, he deserves privilege of bail.

On the other hand, learned counsel for the informant has opposed the prayer for bail of the petitioner. Learned counsel submits that he has got a copy of the case diary and from the statement recorded therein it would appear that this petitioner has also actively participated in the alleged occurrence. Learned counsel for the informant, however, does not controvert the submission of learned senior counsel for the petitioner that the specific allegation against this petitioner is that of giving an assault by an iron rod to one Gopal Mandal who has sustained simple injury.



Mr. Bharat Lal, learned APP for the State has also endorsed the submission of learned counsel for the informant.

Having regard to the facts and circumstances of the case, this being a case of land dispute between the two parties and there is a case and counter case of the same occurrence, both the parties seem to have assembled in large number on the place of occurrence where it seems that both the parties have indulged in causing assault to each other, so far as this petitioner is concerned, the specific allegation against him is that he had assaulted one Gopal Mandal by an iron rod and said Gopal Mandal has sustained simple injury, the petitioner has remained in custody for about one year and the investigation against him is complete, thus, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui in connection with Jhajha P.S. Case No.398/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

