

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27580 of 2021

Arising Out of PS. Case No.-141 Year-2018 Thana- LODIPUR District- Bhagalpur

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1. Prabhash Mandal, Son of Mouleshwar Mandal @ Mulchand Mandal
 2. Rajiv Kumar @ Pujari Mandal
Both sons of Mouleshwar Mandal @ Mulchand Mandal.
 3. Pradeep Mandal @ Pradeep Singh Son of Mahabeer Mandal @ Mahawir Mandal
All 1 to 3 are resident of Village- Lodipur, P.S.- Lodipur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indeshwari Prasad Mandal, Adv.
For the State	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 15-12-2021 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioners who are in custody since 20.10.2020 seek
regular bail in connection with S. Tr. No.28 of 2021 arising out
of Lodipur P.S. Case No.141 of 2018 registered for offence
punishable under Sections 341, 323, 379, 307, 354(B), 504/34
of the IPC.

Prosecution case in brief is that on the basis of written
information of one Bindu Kumari that all the accused persons



named in the FIR armed with lethal weapon started abusing and on protest petitioner no.1, Prabhash Mandal assaulted to the *Gotani* of the informant, petitioner no.2, Rajiv Kumar @ Pujari Mandal assaulted the informant with cycle chain, which cause injury in the finger of the informant, while petitioner no.3 Pradeep Mandal @ Pradeep Singh assaulted the informant with iron rod due to which she sustained head injury along with other accused persons.

Learned counsel appearing on behalf of the petitioners submit that so far as petitioner no.1 is concerned, there is general and omnibus allegation against him, so far as petitioner no.2 is concerned he has not assaulted on the vital part of the body, while it has been alleged that the petitioner no.3 has assaulted with iron rod is of simple in nature. He further submits that all the petitioners are having clean antecedent and there is a land dispute between the parties and the petitioners above named have also simultaneously lodged FIR on the same day.

Learned counsel appearing on behalf of the State, however, opposes the prayer for grant of bail to the above named petitioners. He submits that petitioner no.3 assaulted the informant on the head, which is the vital part of the body. He further submits that all the injuries are simple in nature except



injury which has been inflicted on the finger of the informant is of grievous in nature.

Having heard the parties and considering the facts and circumstances of the case and nature of allegation and there being land dispute between the parties, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur in connection with S. Tr. No.28 of 2021 arising out of Lodipur P.S. Case No.141 of 2018, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Purnendu Singh, J)

Prakash Narayan /-

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