

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6475 of 2022**

Arising Out of PS. Case No.-274 Year-2020 Thana- FALKA District- Katihar

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NAND KISHORE MANDAL S/O BASUDEO MANDAL R/o- Tikapatti,  
Chandpur Tola, P.S.- Falka (Pothia), Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      23-02-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with  
Falka (Pothia) P.S. Case No. 274 of 2020, for the offence  
punishable under Sections 147, 148, 149, 323, 307, 379 and 504  
of the Indian Penal Code.

The prosecution case, in brief, is that on 09.08.2020,  
all the accused persons named in the F.I.R., armed with deadly  
weapons assaulted the informant due to land dispute. There is  
specific allegation that in course of occurrence, at the instance  
of Amrendra Mandal, Nand Kishore Mandal (Petitioner)  
assaulted with brick on the head of informant and Bipin Mandal.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that there is land dispute between the parties for which Mutation Appeal No. 519 of 2019-20 is pending before the Court of Additional District Magistrate, Katihar and in this regard, he has made specific statement in paragraph No.6 of the bail application also. The petitioner is in custody since 06.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having heard the rival submission of the parties and considering the material available on the record, it appears that there is case and counter case in which both sides sustained injury with respect to grabbing the land and there is Mutation Appeal No. 519 of 2019-20 pending between the parties. Injury found on the person of victim is simple in nature, Prima facie the petitioner has made out a case to be released on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Falka (Pothia) P.S. Case No. 274 of 2020, subject to the



following conditions:-

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

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

(3) If the petitioner tampers 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 petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(Purnendu Singh, J)**

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