

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11547 of 2022

Arising Out of PS. Case No.-220 Year-2020 Thana- NARPATGANJ District- Araria

Manish Kumar Mandal @ Manish Mandal Son of Binod Mandal, Resident of
Village- Dumariya, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Narpatganj P.S. Case No. 220 of 2020 (G.R.
No. 1702 of 2020) registered for the alleged offences under
Sections 147, 148, 341, 323, 307, 504, 506 of the Indian Penal
Code.

As per prosecution case, due to dispute over share of
land and erecting house over it, the petitioner and other co-
accused persons assaulted the brother, mother and father of the
informant, causing a number of injuries to them. The allegation
against the petitioner is that he gave *farsa* blow on the head of

the mother of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner and the informant belong to the same family and the occurrence took place while the informant's side was trying to put a tin-shed over the roof of their house. But due to previous dispute, they have falsely implicated the petitioner and his family members. The petitioner is in custody since 09.09.2021 and charge-sheet has been submitted. Learned counsel further submits that a compromise has also taken place between the parties and compromise petitioner has been filed before the learned court below. The petitioner has got no criminal history.

The learned APP opposes the prayer for bail submitting that the injury report of the mother of the informant shows the four injuries on her person and two injuries on her head and there is lacerated wound with swelling in the left hand of the informant's mother. Three injuries are stated to be grievous in nature. The injuries have been caused by hard and sharp instrument. The injury report supports the prosecution case.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet along with period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No. 220 of 2020 (G.R. No. 1702 of 2020) subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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