

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26183 of 2022

Arising Out of PS. Case No.-399 Year-2020 Thana- JHAJHA District- Jamui

Sikandar Mandal, son of Gopal Mandal, R/o Village- Chhuchhanariya, Post-Barajor, P.S.- Jhajha, Tola Kakania, Jhajha, District- Jamui, Bihar 8111308

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rudra Deo, Advocate.
For the Informant	:	Umesh Prasad, Advocate.
For the State	:	Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-08-2022 Heard Mr. Rudra Deo, learned counsel appearing on behalf of the petitioner, Mr. Umesh Prasad, learned counsel for the informant and Mr. Ajit Kumar, learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with Jhajha P.S. Case No. 399 of 2020 for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354B, 379, 352, 504 and 506 of the Indian Penal Code.

The prosecution story, in brief, is that due to land dispute between the parties, a free fight took place between the parties and the petitioner is said to have assaulted on the head of the informant by means of sword causing head injury. In course



of the said incidence, several persons from both the sides got injured.

Learned counsel appearing on behalf of the petitioner submitted that the informant who is said to be the eye witness of the occurrence has alleged that it is the petitioner who had assaulted with sword on the head of the informant with an intention to kill him, but such allegation cannot be sustained as the same has occurred out of the spur of the moment and not with an intention to kill the informant. In the same incidence, altogether 12 persons of the petitioner's side sustained injury which includes female and male members of the family. It is his specific statement that one of the person of the petitioner's side died in course of the said incidence, whereas from informant's side, only two persons including the informant got injured and the injuries sustained by them are simple in nature so far as the informant and other injured is concerned and only one victim has sustained grievous injury which is also not reliable. The genesis of the occurrence is due to land dispute between the parties. Petitioner is in custody since 14.08.2021 and is involved in three cases in which the informant of those cases are from the informant's side. Those cases also arise out of land dispute.

Mr. Umesh Prasad, learned counsel for the informant



submits that the informant is the eye witness and with his own eye he has seen the petitioner to have assaulted him with sword which hit his head with an intention to kill him. It was sheer luck of the informant that he was saved and has sustained only simple injury. Two other persons have also sustained injury in course of fight between the parties and one person has sustained grievous injury. Petitioner has three criminal antecedent and as such, it would not be in the interest of the family of the informant as well as the society to release the petitioner on bail.

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

Considering the fact that there is long standing land dispute between the parties, the present incidence took place due to the land dispute in which out of spur of the moment, the informant sustained injury, however the injury is simple in nature, the petitioner's side also sustained injury in the said fight between the parties and one person died on the spot and the petitioner is in custody since 14.08.2021, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jamui in connection with Jhajha P.S. Case No. 399 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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