

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26153 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Dhanni Mandal Son of Late Bhujal Mandal Resident of Village - Bayatola,
Bajrangwali Asthan, Budhuchak, Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Pallawi Pandey, Advocate
For the Opposite Party/s :	Mr.Chandra Bhushan Prasad, APP
For the informant :	Mr. Rajeev Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2022 Heard Miss Pallawi Pandey, learned counsel for the petitioner Mr. Rajeev Ranjan Singh, learned counsel for the informant and learned APP for the State in Virtual Court Proceeding.

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

The petitioner is in custody in connection with Pirpainty P.S. Case No. 239 of 2021 under sections 341, 323, 379, 427, 504, 506, 34 of the Indian Penal Code and Sections 25(1-b) a and 26 of the Arms Act.

The prosecution story, in brief, is that on 15.10.2021, the informant was going towards his home on a tempo when the accused persons forced him to get off the tempo



and started assaulting him. The informant raised an alarm because of which the shopkeepers nearby assembled and the accused persons fled away. Further the informant went home and was asleep when his mother raised an alarm that the accused persons were damaging household items. On alarm, the villagers gathered and the accused persons fled away but not before taking Rs. 12000/- kept in a box.

Learned counsel for the petitioner submits that both the informant and the accused herein are agnates and out of land dispute, this FIR has been lodged. It has further been submitted by her that although there has been allegation of assault on the side of the informant, there are no injuries to support it. She further submits that even the removal of Rs. 12000/- as alleged in the FIR is an exaggerated allegation. She submits that a bare perusal of the FIR shows that entire family members have been made accuseds, inasmuch as, even his son has been named as an accused. She lastly submits that the petitioner is in custody since 17.10.2021 (as stated in para-18 of the bail application) despite the fact that he has no criminal antecedent.

Learned counsel for the informant on the other hand submits that a bare perusal of the FIR would show that the



accused persons twice assaulted the informant and his family members and also looted Rs. 12000/-. He as such submits that the petitioner does not deserve bail.

Taking into account the submission made by the learned counsel for the petitioner and the informant as also the State and further that there is no injury report in support of the allegation made in the FIR, the petitioner is in custody since 17.10.2021 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-XI, Bhagalpur, in connection with Pirpainty P.S. Case No. 239 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;



(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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