

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42154 of 2021

Arising Out of PS. Case No.-942 Year-2020 Thana- MADHEPURA District- Madhepura

1. Lachhmi Mandal @ Lakshmi Narayan S/O Late Musai Mandal @ Gosai Pal R/O Village-Chitti, Tola Bhagwani, Ward No. 01, P.S.- Madhepura (GHAILADH), District-Madhepura.
2. Bipin Mandal S/O Lachhmi Mandal @ Lakshmi Narayan Mandal R/O Village-Chitti, Tola Bhagwani, Ward No.01, P.S-Madhepura (GHAILADH), District-Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Nafisuzzoha learned counsel for the petitioners as well as Mr. Parmeshwar Mehta learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Madhepura P.S.Case No. 942 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 354B, 379, 504 of the Indian Penal Code.

As per prosecution case, it is alleged that on 05.12.2020 while the informant along with her father and brother sowing in their field meanwhile, all the FIR named



accused persons including the petitioner armed with Spade, Bhala, Farsa, Lathi and danda came and started abusing and assaulted the father and brother of the informant from the spade due to which they sustained injuries.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioners that present FIR has been instituted after delay of 12 days and no explanation has been given. It is further submitted that with regard to the same occurrence there is a counter version wherein the petitioner no. 1 had instituted Madhepura P.S.Case No. 917 of 2020 against the informant's father, mother and Bhabhi. It is further submitted that injuries, which is alleged to have sustained on the persons of father and brother of the informant have been found to be simple in nature and in support of his contention, the injury report has been brought on record by way of Annexure-3 to this application. It is lastly submitted that petitioners have clean antecedent and there was a free fight between the parties which resultant into the present occurrence.

On the other hand, learned APP for the State opposes



the bail application of the petitioners and submits that there is specific allegation against these petitioners, who assaulted the injured persons by means of spade.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that, there is inordinate delay in lodging of the FIR, apart from the fact that there is counter version of the same occurrence and the nature of injuries are to be simple in nature, moreover, the petitioners have clean antecedent, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S.Case No. 942 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or



intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J.)

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