

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60589 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- BIHARIGANJ District- Madhepura

1. Nitesh Kumar Mandal @ Nitish Kumar Son Of Sri Sudhir Mandal @ Sudhir Prasad Mandal Resident Of Village - Tilakpur, P.S. - Alamnagar, District - Madhepura.
2. Parween Mandal @ Praween Kumar Son Of Sri Birendra Mandal @ Birendra Prasad Mandal Resident Of Village - Kachahari Balua, P.S. - Sarsi, District - Purnea.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand- Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 448, 147, 341, 323, 324, 307, 354(A), 379, 504 and 506 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 15.08.2020 at about 2.00 P.M., the accused persons including the petitioners along with 10-15 unknown persons entered the house of the informant and started assaulting the family members of the informant and when the



informant protested, in the meantime, it is alleged that Dani Mandal assaulted the informant by a sharp edged weapon on his head causing injury and he became unconscious. It is next alleged that when the informant regained his consciousness, then the accused persons assaulted him on his neck by an iron rod and he again became unconscious. It is next alleged that when the wife of the informant opposed, then the accused persons tore her blouse and snatched her chain and ear ring.

The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that petitioners have not been alleged to have committed any overt act. It is next submitted that the F.I.R. is also silent that as to why the occurrence took place. No motive has been assigned for the occurrence. It is next submitted that petitioners and the informant are neighbour and they are having land dispute with Dani Mandal and since petitioners are related to Dani Mandal, as such, they have also been implicated falsely in the present case without alleging any specific overt act against them.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bihariganj P. S. Case No.196 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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