

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72229 of 2021**

Arising Out of PS. Case No.-1 Year-2020 Thana- BIHARIGANJ District- Madhepura

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Jayprakash Mandal@ Jai Prakash Mandal Son of Sukhdeo Mandal @ Sukdeo mandal Resident of Village - Makari (Makkari), P.S.- Biharigang, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bikramdeo Singh, Advocate
	:	Mr. Pawan Kumar, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 06-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Bihariganj P.S. Case No. 1 of 2020 registered for the offence

under Sections 147, 148, 149, 341, 323, 324, 326 and 307 of the

Indian Penal Code and Section 27 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 09.09.2021.

The allegation against the petitioner is to assault the brother of the informant with intention to cause death, equipped with deadly weapons like sword etc.

Learned counsel appearing on behalf of the petitioner submitted that the case is founded over land dispute between the parties, for the same set of occurrence, counter case has also been lodged by the petitioner i.e., Bihariganj P.S. Case No. 4 of 2020. It is submitted that the injury of Amarjeet Mahto is simple and injury of Ratan Mahto is grievous. It is submitted that the statement of injured itself suggest that alleged injury was accidental, not intentional. It is further submitted that assault is single, causing single injury, without having any intervening circumstances, which further negate the intention of the petitioner to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that occurrence is in the background of land dispute.

Considering the facts and circumstances as mentioned



above, as the occurrence was nothing but a free fight due to land dispute, assault is not repeated without having any intervening circumstances, negating the intention of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bihariganj P.S. Case No. 1 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Udakishunganj, District-Madhepura, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by
the documents.

(iii) That one of the bailors shall be
Sudha Devi, who is the wife of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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