

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12234 of 2023

Arising Out of PS. Case No.-491 Year-2022 Thana- KAHALGAON District- Bhagalpur

Gurudeo Mandal @ Gurudeo Kumar Patel, Male aged about 37 years, Son of Rudal Mandal, Resident of village + Post - Ekchari, P.S.- Rasalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Kahalgaon (Rasalpur) P.S. Case No. 491 of 2022 dated 30.05.2022 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 504, 506, 324 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added.

3. As per the prosecution case, the petitioner and other FIR named eight accused persons including the petitioner variously armed with *iron rod*, *sword* and *Gandasha* surrounded the informant and brutally assaulted him. The allegation against the petitioner is that he had given order to kill him and also assaulted on his leg causing fracture.



4. Learned counsel for the petitioner submits that the petitioner is innocent has been falsely implicated in this case due to village politics. Learned counsel further submits that both the parties are pattidars and there is land dispute between them due to which two cases have been lodged against the petitioner in which he is on bail. The fight took place between the parties for dispute of partition and both sides have received injuries. It is submitted that for the death of deceased Vikekanand Mandal separate FIR Kahalgaon P.S. Case No. 492 of 2022 was registered and the death of victim in that case was caused due to his heart failure and because of his old age, not by any assault accordingly, in the present case, addition of Section 302 of the IPC was unwarranted.

5. Learned counsel for the petitioner further submits that similarly situated co-accused persons namely Ramdeo Mandal, Deepak Mandal @ Deepak Kumar and Pawan Mandal @ Pawan Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.05.2023 in Cr. Misc. No. 659 of 2023.

6. Learned APP opposed the prayer for anticipatory bail.

7. Considering the facts and circumstances of the case



and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner above named be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Rasalpur) P.S. Case No. 491 of 2022, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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