

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10607 of 2023

Arising Out of PS. Case No.-227 Year-2022 Thana- BARHARA KOTHI District- Purnia

Pappu Mandal, Son of Prabhu Mandal, R/O Village- Arbanna, Navtoliya, P.S.-
Barhara Kothi (Raghubansh Nagar), District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Barhara (O.P. Raghubanshnagar) P.S. Case No. 227 of 2022, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons came to the house of the informant and they were variously armed. In their assault, a number of persons including the informant received different injuries. Allegation against the petitioner is that he assaulted the daughter-in-law and the wife of the informant causing fracture of left hip of the



daughter-in-law and swelling on waist and injury on neck and back of the wife.

4. The learned counsel for the petitioner submits that there is a land dispute between the parties and there has been free fight between the two groups. The informant's side is the assailant and they started assaulting the co-accused Prabhu Mandal which was objected by the villagers. Prior to the institution of the present case, the petitioner filed a Complaint Case No.152 of 2019 against the family members of the informant. Moreover, from the facts of the FIR, it is clear that only injuries which have been caused to the daughter-in-law of the informant is that of fracture and swelling on different parts of the body of the wife of the informant. Only allegation against this petitioner is that of assault on these two ladies. The other co-accused persons having similar or different allegation have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 30.01.2023 passed in Cr. Misc. No.45666 of 2022. The petitioner is in custody since 25.06.2022 and is having clean antecedent. The charge sheet has been submitted.

5. Learned A.P.P. opposes the prayer for bail submitting that due to the assault of this petitioner, the daughter-in-law of the informant suffered fracture of hip and the wife of the informant also suffered swelling on different parts of her body.



6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the allegation against the petitioner is only for causing certain injuries which are not life threatening in any sense and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Purnea, in connection with Barhara (O.P Raghubanshnagar) P.S. Case No.227 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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