

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17320 of 2023

Arising Out of PS. Case No.-385 Year-2022 Thana- MURLIGANJ District- Madhepura

1. SINGHESHWAR MANDAL @ BITO MANDAL S/O LATE ANU MANDAL R/v- Parwa, Ward No. 06, P.S.- Murliganj, District- Madhepura
2. ARUN KUMAR S/O SINGHESHWAR MANDAL @ BITO MANDAL R/v- Parwa, Ward No. 06, P.S.- Murliganj, District- Madhepura
3. DHIREN KUMAR S/O SINGHESHWAR MANDAL @ BITO MANDAL R/v- Parwa, Ward No. 06, P.S.- Murliganj, District- Madhepura
4. AKHILESH KUMAR S/O SINGHESHWAR MANDAL @ BITO MANDAL R/v- Parwa, Ward No. 06, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Murliganj P.S. Case No 385 of 2022 for the offence under Sections 323, 341, 307, 324, 379, 354-A, 447, 504, 506 and 34 of the I.P.C. lodged on 24.08.2022 by the informant Lalita Devi.

The prosecution story, in brief, is that on 20.08.2022, the accused persons including the petitioners armed variously came at the door of informant, abused and brutally assaulted the informant and his son causing injury on several parts of the body of his son including head injury. When informant's



‘Bhaisur’ Devan Mandal and 'Gotni' Surji Devi came to save them, the accused persons assaulted both of them. There was also allegation of misbehaving with informant as also snatching silver chain worth Rs. 5000/-. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that due to land dispute, there has been some scuffled and unfortunate injuries. However, all the injuries have been found to be simple in nature save and except, an injury on the shoulder of Devan Mandal which is not a vital part.

The last submission is that irrespective of outcome of the present case and without accepting the allegation they would like to give Rs. 5,000/- each totaling Rs. 20,000/- as medical assistance to the informant.

Learned APP opposes the prayer.

Considering the aforesaid submission as also that the petitioner no. 1 is 75 years old, none of them have any criminal antecedent, save and except the injury on the shoulder of Devan Mandal, the others have not found to be grievous, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Madhepura, in connection with Murliganj P.S. Case No 385 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

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