

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36651 of 2023

Arising Out of PS. Case No.-344 Year-2022 Thana- RUPAULI District- Purnia

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Bhalchandra Mandal @ Bhalchander Mandal Son of Mushharu Mandal
Resident Of Village- Kharkatta, Ps- Bhawanipur (AKBARPUR Op), Distt-
Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Dr. Bidhu Ranjan, Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 31-07-2023 Heard the learned counsel for the petitioner and the

State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Rupauli (Akbarpur OP) P.S. Case No. 344 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 327, 504 of the Indian Penal Code of the Indian Penal Code.

3. As per allegation, on 22.11.2022 at about 11:30 pm, the informant/Anuj Kumar got an information that 6 bigha of disputed land is being ploughed by the accused persons. Further allegation is that when the informant reached the land and forbade them to plough the land, they started firing and



assaulting him, due to which he sustained injury in his leg.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that in regard to dispute relating to land, there was free fight between both sides and it is very difficult to say who is the aggressor and who is acting in right to private defence. There is injury on both the sides. Injury caused as per prosecution is in leg of the alleged victim, which clearly shows that there was lack of intention to commit murder.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the present petition is allowed directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of



eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Smt. Kavita Kumari, Judicial Magistrate, 1st Class, Purnia, in connection with Rupauli (Akbarpur OP) P.S. Case No. 344 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.



9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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