

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47237 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- HATHAURI District- Samastipur

1. Birendra Mandal @Birendra Kumar, Son of Vindeshwar Mandal, Resident of Village -Gangarahi, Ps- Hathauri, Distt- Samastipur
2. Sushil Mandal, Son of Madho Mandal, Resident of Village -Gangarahi, Ps- Hathauri, Distt- Samastipur
3. Lalindra Mandal @ Lalindra Kumar, Son of Ganesh Mandal, Resident of Village -Gangarahi, Ps- Hathauri, Distt- Samastipur
4. Bombom Mandal, Son of Nand Kishore Mandal, Resident of Village -Gangarahi, Ps- Hathauri, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52290 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- HATHAURI District- Samastipur

Devendra Mandal, Son of Ram Udesh Mandal, Resident of Village Gangarahi, Ps- Hathauri, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47237 of 2023)

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 52290 of 2023)

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 06-09-2023 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being decided together by a common order.



2. Heard learned counsel for the petitioners and learned APPs for the State.

3. The petitioners apprehend their arrest in connection with Hathauri (Shivajee Nagar) P.S. Case No. 66 of 2022 dated 04.06.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(B), 379, 504 and 506 of the Indian Penal Code.

4. The main submissions advanced by learned counsel for the petitioners are that the alleged offence of 307 of IPC is not made out in the present matter and except the petitioner namely Devendra Mandal, there is no specific allegation against rest of the petitioners and altogether 11 persons including the petitioners have been named in the FIR and the genesis of the occurrence as mentioned in the FIR does not show that the alleged occurrence was pre-planned and as per the order impugned, only injured Vidyasagar sustained grievous injury, which is not specifically attributed against any of the petitioners and moreover, no injury was caused to the injured persons on vital part of their body.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the nature of allegation appearing



against the petitioners namely Birendra Mandal @ Birendra Kumar, Sushil Mandal, Lalindra Mandal @ Lalindra Kumar and Bombom Mandal and also the facts that there is no specific allegation against them in respect of the allegation of assault committed with the prosecution party and the FIR goes to show that the alleged offences were not pre-planned and a dispute regarding ploughing of disputed land resulted in commission of the alleged occurrence, in my opinion, in the said circumstances, the petitioners deserve to the privilege of bail. Accordingly, let the petitioners namely Birendra Mandal @ Birendra Kumar, Sushil Mandal, Lalindra Mandal @ Lalindra Kumar and Bombom Mandal, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to the satisfaction of the Court concerned in connection with Hathauri (Shivajee Nagar) P.S. Case No. 66 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. So far as the petitioner namely Devendra Mandal is concerned, as against him, there is specific allegation of having assaulted the informant's daughter-in-law by means of iron-rod,



I am not inclined to accept his bail prayer. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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