

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48004 of 2023

Arising Out of PS. Case No.-536 Year-2022 Thana- SABAUR District- Bhagalpur

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Raja Mandal @ Jitendra Mandal, son of Devendra Mandal, resident of Vill.
Sardho, P.S. Sabour, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 48194 of 2023

Arising Out of PS. Case No.-536 Year-2022 Thana- SABAUR District- Bhagalpur

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Devendra Mandal son of late Kabbo Mandal, resident of Vill. Sardho, P.S.
Sabour, District-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 48004 of 2023)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv. With
Ms. Sakshi Deep, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 48194 of 2023)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv. With
Ms. Sakshi Deep, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Both the applications arise out of the similar P.S. case

and as such, with consent of the parties, the same are being

heard together and disposed of by a common order.

2. Heard Mr. Krishna Prasad Singh, learned senior

counsel duly assisted by Ms. Sakshi Deep, learned counsel

appearing on behalf of the petitioners and learned Additional

Public Prosecutor for the State.

3. The petitioners apprehend their arrest in connection



with Sabour P.S. Case No. 536 of 2022, registered for the offences punishable under Sections 307, 341, 323, 354, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. Allegedly, while the informant along with his wife were ploughing the field, in the meantime all the FIR named accused persons, including the petitioners, came there and started abusing and thereafter on the exhortation made by Devendra Mandal, Raja Mandal @ Jitendra Mandal allegedly fired upon him, however, unfortunately the same could not hit. It is further alleged that Raja Mandal @ Jitendra Mandal assaulted the informant by means of butt of the spade.

5. Learned senior counsel appearing on behalf of the petitioners submits that there is a long standing dispute between the parties which resulted into institution of the FIR, however, even as per the FIR the allegation against Devendra Mandal is only to the extent of exhortation, whereas so far the allegation of assault made against Raja Mandal @ Jitendra Mandal is concerned, the same could not be corroborated by the injury report, which suggests all the injuries have been found to be simple in nature. He further drew the attention of the Court to the injury report and with reference thereto he submits that there



is no injury over the hand of the informant and this also made the entire case doubtful against Raja Mandal @ Jitendra Mandal. He next submits that the petitioners are father and son having fair antecedent.

6. On the other hand, learned counsel for the State opposed the bail application.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the long standing land dispute between the parties, apart from the fair antecedent of the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 536 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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