

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47429 of 2023

Arising Out of PS. Case No.-101 Year-2020 Thana- PIPRA District- Supaul

1. Musharu Mandal Son Of Bechcha Mandal Resident Of Village- Sakhua (WARD No. 8), Ps- Pipra Distt- Supaul
2. Birendra Mandal Son Of Bachcha Mandal Resident Of Village- Sakhua (WARD No. 8), Ps- Pipra Distt- Supaul
3. Surendra Mandal Son Of Bachcha Mandal Resident Of Village- Sakhua (WARD No. 8), Ps- Pipra Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha
For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354, 427, 379, 447, 504 and 506/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioners are said to have assaulted the informant and his family members by means of deadly weapons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is land dispute between the



parties. He submits that petitioners and informant are villagers. He further submits that petitioners and others also sustained injuries and thus it is a case of free fighting between the parties and hence no case made out under Section 307 of I.P.C. is made out. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation against the petitioners is that petitioner no.1 assaulted on the left leg of the informant and injury found upon him is grievous in nature, there is allegation against the petitioner no.2 that he assaulted the nephew of the informant and injury was found simple in nature and allegation against petitioner no.3 is that he assaulted Thakni Devi by means of lathi and disrobed her and injury was found simple in nature. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact the injury found upon the informant is grievous in nature, I am not inclined to enlarge the petitioner no.1 on bail in connection with Pipra P.S. Case No. 101/2020. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. Insofar as petitioner nos.2 & 3 is concerned, the



injuries found upon the victim are simple in nature, let the petitioner nos.2 & 3, named above, in the event of their arrest/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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Pipra P.S. Case No.101/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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