

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54412 of 2023

Arising Out of PS. Case No.-13 Year-2020 Thana- ANDHRAMATH District- Madhubani

1. Mahesh Kumar Mandal, Son of Chunni Lal Mandal, Resident of Village- Nyatol Dhabauli, P.S.- Andharamath, Distt.- Madhubani
2. Dukhi Lal Mandal @ Dukhi Mandal, Son of Late Nanai Mandal, Resident of Village- Nyatol Dhabauli, P.S.- Andharamath, Distt.- Madhubani
3. Shiv Kumar Mandal, Son of Dukhi Mandal, Resident of Village- Nyatol Dhabauli, P.S.- Andharamath, Distt.- Madhubani
4. Bindeshwar Mandal, Son of Late Ramrup Mandal, Resident of Village- Nyatol Dhabauli, P.S.- Andharamath, Distt.- Madhubani
5. Chandeshwar Mandal, Son of Late Ramrup Mandal, Resident of Village- Nyatol Dhabauli, P.S.- Andharamath, Distt.- Madhubani
6. Siya Lal Mandal, Son of Rameshwar Mandal, Resident of Village- Nyatol Dhabauli, P.S.- Andharamath, Distt.- Madhubani
7. Nasib Lal Mandal, Son of Rameshwar Mandal, Resident of Village- Nyatol Dhabauli, P.S.- Andharamath, Distt.- Madhubani
8. Tulsi Mandal, Son of Rameshwar Mandal, Resident of Village- Nyatol Dhabauli, P.S.- Andharamath, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Mr. Pramod Kumar Yadav, learned counsel

 appearing on behalf of the petitioners and the learned APP for

 the State.

2. The petitioners are apprehending their arrest in

connection with Andharamath P.S. Case No. 13 of 2020



registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal Code.

3. Allegedly while the accused persons were forcibly fishing in the pond of the informant, he objected for the same, whereupon the accused Dukhi Lal Mandal (petitioner no.2) started abusing him. It is further alleged that accused Mahesh Mandal (petitioner no.1) assaulted by means of stick over his head, due to which he sustained head injury. It is also alleged that the other accused persons assaulted the other family members of the informant, who also sustained serious injuries.

4. Learned counsel appearing on behalf of the petitioners submits that from the F.I.R. it is evident that there is a dispute with regard to the pond, in which persons of both sides are claiming their title. He next submitted that admittedly the occurrence took place on 17.01.2020, whereas the present F.I.R. has been instituted on 09.02.2020, after a delay of more than 23 days without giving any explanation for the same. He next submits that so far the allegation made against petitioner no.1 of assaulting the informant, Gudar Mandal and Raj Kumar Mandal is concerned, the injuries sustained to them have been found to be simple in nature, except one, the opinion of which is still reserved. He next submits that the allegation made against



petitioner nos. 2 to 8 is general and omnibus. Moreover, there is a counter version of the present case, being Andharamath P.S. Case No. 09 of 2020, instituted by petitioner no.2. He next submits that the persons of both the sides are *Gotias* and there is admitted land dispute. The petitioner nos.1 and 4 to 8 have no criminal antecedent, whereas petitioner nos. 2 and 3 are carrying one criminal antecedent.

5. On the other hand, learned APP for the State opposes the bail application and submits that the injuries have been found to be serious in nature, the opinion of which is still reserve.

7. Regard being had to the submissions made on behalf of the parties and considering the case and counter case, the nature of injury and the delay in lodging of the F.I.R., let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur (Madhubani) in connection with Andharamath P.S. Case No. 13 of 2020, subject to the condition as laid down under Section 438



(2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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