

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64174 of 2023

Arising Out of PS. Case No.-358 Year-2023 Thana- RAJAON District- Banka

1. Ram Mandal Son Of Late Sukdeo Mandal Village- Balthara P.S.- Rajoun District- Banka
2. Guljari Mandal Son Of Late Chaturi Mandal Village- Balthara P.S.- Rajoun District- Banka
3. Chandra Shekhar Mandal @ Chandra Shekhar Kumar Son Of Fagu Mandal Village- Balthara P.S. - Rajoun District - Banka
4. Mahesh Mandal Son Of Late Sukdeo Mandal Village- Balthara P.S. - Rajoun District- Banka
5. Shankar Thakur Son Of Sarjun Thakur Village- Balthara P.S.- Rajoun Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Ajay Mukherjee, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Rajoun (Nawada O.P.) P.S. Case No. 358 of 2023 registered for the offences punishable under Sections 341, 323, 308, 379, 504, 506 / 34 of the Indian Penal Code.

3. Allegedly, while the informant went to his field, in the meanwhile, all the FIR named accused persons, who are



petitioners before this Court surrounded him and brutally assaulted. It is further alleged that they have also snatched the mobile phone and other valuables of nephew of the informant.

4. It is submitted on behalf of the petitioners that admittedly there is a land dispute going on between the parties, vide Title Suit No. 100 of 2023 pending before the learned Sub Judge, Banka filed by the petitioners against the father of the informant and others. He further submits that though an allegation of assault has been leveled, but no specific allegation is made as who has attributed the specific injury. Nonetheless, there is no discussion in the impugned order with regard to the nature of injury. He next submits that so far the petitioner No. 1 and 2 are concerned they are aged about 75 and 70 years respectively and in fact the entire family members have been made accused in the present case. That apart, there is counter version of the case being Complaint Case No. 1242 of 2023. He lastly, submits that the petitioners are men of fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that specific allegation has been levelled against all the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and



the factum of counter case, coupled with the fair antecedent of the petitioners, let the petitioners, above named 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, Banka in connection with Rajoun (Nawada O.P.) P.S. Case No. 358 of 2023, subject to the condition 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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