

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67222 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- KASIMBAZAR District- Munger

Dhiran Mandal @ Dharendra Mandal Son Of Late Lal Mandal Resident Of
Village- Brahmsthan, Ps- Kasim Bazaar, Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kasim Bazar P.S. Case No. 121 of 2023, lodged on 28.04.2023,
under Sections 341/323/337/338/448/326/307/34 of the I.P.C.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons including the
petitioner. In the FIR there is specific allegation against the
petitioner that he has thrown bottle of kerosene oil after burning
on the body of the informant, due to which the legs and left
hand as well as hair of the informant burnt.



4. Learned counsel for the petitioner submits that from the content of the FIR it transpires that dispute has arisen with the neighbour on the issue of throwing garbage. Counsel for the petitioner submits that petitioner is aged about 80 years. It transpires from paragraph-5 of the petition that there are Title Suit No.165 of 2021 and Title Suit No.252 of 2022 pending between the parties. Counsel further submits that for the same date and place of occurrence there is case and counter-case. The informant side has filed the present case, i.e., Kasim Bazar P.S. Case No.121 of 2023, whereas petitioner side has filed criminal case bearing Kasim Bazar P.S. Case No.122 of 2023. Counsel further submits that petitioner is in custody since 29.04.2023. Counsel submits that the petitioner has falsely been implicated in this case and has committed no offence. He further submits that only one thing which is against the petitioner is that the petitioner has 12 criminal antecedents. He submits that from perusal of those cases most of the cases have been filed prior to 1995 and in all those cases he was acquitted. There is two cases pending at present in which he is on bail. Counsel submits that the informant and the petitioner are neighbour and during open fight both sides sustained injury.

5. Learned counsel for the State opposes the prayer



for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, Munger, in connection with Kasim Bazar P.S. Case No.121/2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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