

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70069 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- ISMAILPUR District- Bhagalpur

1. MANGAL MANDAL SON OF FULCHI MANDAL RESIDENT OF VILLAGE- BINOBA, PS- ISMAILPUR, DISTT- BHAGALPUR
2. RAKESH MANDAL @ RAJA MANDAL SON OF FULCHI MANDAL RESIDENT OF VILLAGE- BINOBA, PS- ISMAILPUR, DISTT- BHAGALPUR
3. SURAJ MANDAL SON OF FULCHI MANDAL RESIDENT OF VILLAGE- BINOBA, PS- ISMAILPUR, DISTT- BHAGALPUR
4. MIRA DEVI WIFE OF FULCHI MANDAL RESIDENT OF VILLAGE- BINOBA, PS- ISMAILPUR, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Ranjan Kumar Jha, learned counsel appearing on behalf of the petitioner and Mr. Nirmal Kumar Sinha, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Ismailpur P.S. Case No. 68 of 2023 dated 26.05.2023 registered for the offence(s) punishable under Sections 147, 148, 149, 341, 323, 384, 385, 504, 506 and 379 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners and ten unknown persons are alleged to have



threatened and forcibly looted 30 quintals of maize crops from the field of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that the incident is with respect to a disputed land relating to Khata No.253, Khesra No.14, an area of around one acre of which, both the parties have claimed their title. Such dispute can only be resolved either amicably or by preferring title suit before a competent court having jurisdiction. It is further submitted that no incident, as alleged in the FIR, has taken place. Learned counsel further submits that he has received instruction that petitioners are ready to compensate the informant on mutual agreed terms. It is further submitted that petitioners have two criminal antecedents in which informant of both the cases are the same person, is that of the present FIR.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation as also the fact that there is a land dispute between the parties with respect to a piece of land, as referred above, it appears that the matter relates to title and ownership of the land. The petitioners have informed to the learned counsel that they will compensate the informant on mutual agreed terms, I am of the opinion that



petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Naugachia, District, Bhagalpur in connection with Ismailpur P.S. Case No. 68 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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