

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68034 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- RAJNAGAR District- Madhubani

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Dhiraj Kumar Mandal @ Dheeraj Mandal @ Dhiraj S/O Kishore Mandal @
Kishun Mandal @ Kishan Mandal R/O Village- Barhara Gour, P.S- Raj
Nagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Raj Nagar P.S. Case No.393 of 2022, F.I.R. dated 18.12.2022 registered for the offence punishable under Sections 143, 341, 323, 324, 307, 379, 504, 506 of the IPC.

3. The prosecution case, in short, is that Government has granted Basgit Parcha to the informant from which in the year 2020 her husband was tried to the disposed, for which he was assaulted, in that connection Raj Nagar P.S. Case No.344/2020 has been registered. Thereafter demarcation was done and pillars were inserted on the boundary of the land but as soon as police force and Magistrate left the place, pillars were removed and thrown away. In this regard informant has given



application to the police station and first information report has been registered but number of the same is not known to her. On date of Occurrence at about 11.00 A.M. again Dhiraj Mandal constructed a wooden platform (Machan) forcefully and started preparing Cakes of Cowdung. When informant forbad him then he assaulted her with iron, Khanti and bamboo, thus injured her. For saving her, Gotani Netu Devi, Nishu Kumari, Pushpa Devi niece Anjali Kumari and daughter Nandani Kumari came there running then Dhiraj Mandal, Kishor Mandal, Shatrudhan Mandal, Jitendra Mandal, Sushil Mandal, Bhasti Devi, Bhogendra Mandal and Bhasha Devi came there variously armed and assaulted those persons who came to saved the informant. He injured one after another and started saying in the abusive language that he has assaulted her husband but survived. Now he will killed all the family members. Husband of the informant is cook at Raj Nagar. hearing alarm her Chachiya Sasur Nage Mandal informed her husband and Debar by phone. Then he reached and take her at Raj Nagar PHC for treatment. Doctor advice for x-ray. She is going for the same. Accused persons are of criminal nature. They are threatening for murder. Due to money and Pairvi they are on bail. They are always ready for committing murder. During fight they have



snatched golden ear ring of Gotani Pushpa Devi of Rs.15,000/-. They are threatening to go any where nothing will be done against him. They are threatening to finish all her family members. She had submitted an application to the SHO Raj Nagar about the occurrence which has taken in the evening, from the hospital at 8.30 P.M. in night. Thereafter when she return they started abusing. Due to fear informant kept mom. On 17.12.2022 when informant gone for attaining call of nature at 6.00 A.M. in the morning then named accused person assaulted her with Khanti on her head from where bleeding started. She fall down being unconscious. Her Devar Ramesh Mandal bring her to Raj Nagar PHC where treatment was done. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case due to land dispute. Further submits that there is case and counter case between the parties and as per the allegation alleged in the FIR the petitioner had assaulted the informant, but injury report suggests that all the injuries are simple in nature.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner stating that the petitioner is named in the FIR and



there is direct allegation against the petitioner that he has assaulted the informant and apart from that the petitioner has carries one more criminal antecedents other than the present one, but fairly submits that in that case petitioner is on bail.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Madhubani in connection with Raj Nagar P.S. Case No.393 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.



(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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