

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71173 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- SHAHKUND District- Bhagalpur

Manoj Mandal, S/O- Luxman Mandal, Resident Of Janipur Pair Domaniya Ps
Shahkund District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Shahkund P.S. Case No. 184 of 2022, registered for the offences under Sections 147, 148, 149, 323, 307, 325, 427 and 504 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons, who were variously armed, started destroying the hut-house being erected by the informant, her son and her daughter-in-law. They caused fracture of the head of the son of the informant and also broke his both hands. The informant and her daughter-in-law were also assaulted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. There is general and omnibus allegation against the petitioner with others. The occurrence is stated to have taken place on 30.05.2022 whereas the FIR was registered on 03.07.2023 and this delay has not been explained properly. The name of the petitioner was dragged in this case due to land dispute since the informant wants to grab the share of the land of the petitioner. During investigation, the I.O. did not find any sign of construction of hut at the place of occurrence. The petitioner and the informant side are agnates and there is land dispute between them. Learned counsel further submits that a number of co-accused persons have been granted bail by different Co-ordinate Benches of this Court and the same is mentioned in paragraph 16 of the instant petition.

5. Learned APP opposes the submissions made on behalf of the petitioner submitting that the rejection order shows injuries sustained by Gudar Mandal and Kiran Devi are grievous in nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute between the parties and further considering grant of bail to similarly situated co-accused persons and also considering the probability of false



implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/court concerned in connection with Shahkund P.S. Case No. 184 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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