

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74256 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- JALALGARH District- Purnia

ASHOK MANDAL Son of Late Tulsi Mandal Resident of village -
Harchandpur, P.S.- Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-11-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Jalalgarh Police Station Case No. 49 of 2023,
disclosing offences under Sections 147, 149, 341, 323, 324, 307,
3779, 504, 506 of the Indian Penal Code.

3. As per the First Information Report, on 21.03.2023,
at about 7:30 pm in the evening, all the FIR named accused
persons, including the petitioner, came to the house of the
informant, armed with deadly weapons, abused him. The
informant's brother intervened on which co-accused Suresh
Mandal ordered to kill him. On his order, the petitioner shot the
informant with an arrow due to which he sustained injury.

4. Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case due to previous enmity and land dispute between the parties. He further submits that a counter case, bearing Jalalgarh P.S. Case No. 51 of 2023, was also lodged by the wife of the petitioner against the informant and his family members. He further submits that the co-accused Sunil Mandal had filed the case before the S.D.M., Purnea, bearing 1564M/2018, prior to the present case regarding land dispute and Anchal Amin had demarcated the disputed land in the year 2019. He next submits that the injury report by a government Doctor has not been produced by the prosecution and the certificate of private Doctor has been produced which has been annexed at Annexure 3 to this application. The certificate of the private Doctor is dated 03.04.2023 whereas the occurrence had taken place on 21.03.2023, accordingly, the submission is that the medical certificate of the private Doctor is suspicious and cannot be taken into consideration.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the land dispute between the parties and the fact that in support of the injury, the medical certificate of the private Doctor has been produced, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let the petitioner, Ashok Mandal, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Jalalgarh Police Station Case No. 49 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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