

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19771 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- GOPALPUR District- Bhagalpur

1. Narsingh Mahaldar S/o Late Giro Mahaldar R/o vill - Bhim Das Tola, Tintenga, P.S. - Gopalpur (Rangra Out Post), Distt. - Bhagalpur
2. Garib Mahaldar S/o Sukhdeo Mahaldar R/o vill - Bhim Das Tola, Tintenga, P.S. - Gopalpur (Rangra Out Post), Distt. - Bhagalpur
3. Banti Kumar S/o Narsingh Mahaldar R/o vill - Bhim Das Tola, Tintenga, P.S. - Gopalpur (Rangra Out Post), Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 26-04-2024 Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

2. In the present case, the petitioners seek bail in connection with Gopalpur (Rangra O.P.) P.S. Case No. 477 of 2023, registered on 01.10.2023 for the alleged offence under Sections 147, 149, 341, 342, 447, 302 and 504 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons abused and assaulted the son of the informant and co-accused Monu Kumar hit him with a bamboo causing serious injuries to the son of the informant. During his treatment, the victim succumbed to his injuries. The occurrence took place in the background of land dispute over extending a portion of house on the land of the informant.

4. Learned counsel appearing on behalf of the

petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners and the informant are agates and close door neighbours. There is no specific allegation of assault against the petitioners and allegation against the petitioner Narsingh Mahaldar is that he gave order for hitting the son of the informant. The allegation of assault is quite specific against co-accused Monu Kumar. Even during investigation not a single witness spoke against the petitioners for assaulting the son of the informant. The F.I.R. has been lodged after much delay, as for an occurrence of 28th of September, 2023 the F.I.R. has been lodged on 01st of October 2023. The petitioners are in custody since 01st of October, 2023 and charge-sheet has been submitted. Petitioners have clean antecedent. Other similarly situated co-accused persons have been granted anticipatory bail as well as regular bail by orders of this Court *vide* Cr. Misc. No. 20594 of 2024 dated 02.04.2024 and Cr. Misc. No. 22314 of 2024 dated 10.04.2024, respectively.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that the petitioners and others by forming an unlawful assembly assaulted the son of the informant who lost his life.

6. Having regard to the facts and circumstances of the

case and submissions made on behalf of the parties and considering the absence of any specific nature of allegation against the petitioners and further considering the period of custody and charge-sheet, the petitioners above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Naugachia in connection with Gopalpur (Rangra O.P.) P.S. Case No. 477 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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