

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26727 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- CHAUSA District- Madhepura

1. Upendra Mandal son of Late Bala Mandal Resident of Village- Tapuwa Tola, @ Tapua Tola, P.S.- Chausa, Dist.- Madhepura
2. Brihaspati Mandal @ Brihaspati Kumar Mandal @ Brarhaspati Mandal Son of Upendra Mandal Resident of Village- Tapuwa Tola, @ Tapua Tola, P.S.- Chausa, Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bambahadur Jha, Adv.
For the Opposite Party/s : Mr.Mohammed Arif, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioners are said to have assaulted the informant's side brutally by means of deadly weapons due to which they sustained injuries. Petitioner no.2 assaulted the informant by means of an iron rod on his head due to which he sustained injuries and his hand got fractured.

4. It is submitted by learned counsel for the petitioners



that the petitioners are quite innocent and they have committed no offence. No such occurrence as alleged has ever taken place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Both the parties are next door neighbours and there is admitted land dispute between them. Petitioner no.1 is 77 years old person and he is suffering from old age diseases. There is no specific overt act against him. He can be said, at best, a member of the mob. There is inordinate and abnormal delay of five days in lodging the FIR without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner no.1, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in



connection with Chausa P.S. Case No. 306 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, from bare perusal of the FIR, it is evident that there is serious allegation against petitioner no.2 to assault the informant due to which he sustained grievous injury, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

