

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38144 of 2024

Arising Out of PS. Case No.-216 Year-2023 Thana- CHAKAI District- Jamui

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1. Gangadhar Mandal @ Girwal Mandal, S/O Doman Mandal @ Dugan Mandal, R/O Village- Billi, P.S- Chaki, Dist.- Jamui.
 2. Sukhdeo Mandal S/O Huro Mandal R/O Village- Billi, P.S- Chaki, Dist.- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Chakai P.S. Case No. 216 of 2023 registered on 06.07.2023 for the alleged offences under Sections 341, 323, 308, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners assaulted the son of the informant with spade when the informant and his sons opposed the construction work of the petitioners and co-accused persons on the land of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Both parties are agnates and there is admitted land



dispute between them. It is also evident from the FIR that the dispute arose over *Gaimazarua* land which both sides claimed. The injury report of the son of the informant shows only abrasion of ¼"x1/5" on occipital region of scalp apart from another abrasion on upper limb of size 1/5"x1/6" with complaints of bodyache. The injury report shows the injuries are quite superficial and non-serious. There is counter version as well. The wife of petitioner no.1 has also filed Chakai P.S. Case No. 217 of 2023 under Sections 341, 323, 308 and 354(B) and other minor sections of IPC. But no offence is made out against the petitioners under Sections 308 and 379 of IPC. Petitioners are having clean antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the background of land dispute and also considering the non-serious nature of injuries coupled with possibility of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on



furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jamui/ court concerned in connection with Chakai P.S. Case No. 216 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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