

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43781 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- LAKHISARAI District- Lakhisarai

1. Shankar Mandal S/o Late Kailu Mandal R/o Village-JOKMAILA, P.S. - LAKHISARAI, DIST - LAKHISARAI
2. Babita Devi W/o Ranjeet Mandal R/o Village-JOKMAILA, P.S. - LAKHISARAI, DIST - LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner, learned A.P.P.
for the State.

2. The petitioner seeks anticipatory bail in connection with Lakhisarai P.S. Case No. 53 of 2024 registered for the offences punishable under Sections 341, 323, 307, 354 (A), 379, 504, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others came at the house of informant and started abusing and assaulting the informant and his family members. It is alleged that co-accused Shankar Mandal assaulted the informant's wife with bricks and there is allegation against co-accused Babita Devi who assaulted the sister of the informant.

4.The Learned for the petitioner submits that there is



a case and counter case between both the parties on the same date of occurrence and in such cases free fighting cannot be ignored. Petitioner bears no criminal antecedent. He further submits that both parties are agnates and there is previous land dispute between them. He further submits that all the injuries are simple in nature caused by hard and blunt substance. He further submits that there was neither any intention nor knowledge to kill the victim. So, no case is made out against the petitioner under section 307 of the IPC. Except section 354 and 379 of the IPC, all the sections are bailable in nature and these two sections are added just to make the offence graver.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case, an argument advanced on behalf of the both sides as well as material available on record, in the event of surrender or arrest before the concerned court within six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 53 of 2024, subject to the conditions as laid down under Section 438(2)



of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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