

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53385 of 2024

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

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1. RANJEET MANDAL SON OF SHANKAR MANDAL VILLAGE - JOKMAILA, P.S. - LAKHISARAI, DIST - LAKHISARAI
 2. PRAVEEN KUMAR @ PRIVIN MANDAL SON OF SHANKAR MANDAL VILLAGE - JOKMAILA, P.S. - LAKHISARAI, DIST - LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Lakhisarai

P.S. Case No. 53 of 2024 registered for the offences

punishable under Sections 341, 323, 307, 354 (A), 379 and

504/34 of the Indian Penal Code.

3. The allegation against the petitioner is to

assault informant and others alongwith other co-accused

person causing bodily injuries, which may likely to cause



their death, where occurrence alleged to arises out of land dispute.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged occurrence took place in the background of land dispute, where for the same set of occurrence a counter case was also registered as Lakhisarai P.S. Case No. 54 of 2024 by petitioner's side. It is submitted that occurrence was free fight in nature, where it can be safely gathered that petitioner was not under intention to cause death, which is basic legal ingredient to make out a case under Section 307 of the IPC. It is submitted that injury received during the course of occurrence is simple in nature, which is further sufficient to suggest that petitioner was not under intention to cause death. While concluding the argument it is submitted that petitioner is a man of clean antecedent. It is also submitted that similarly situated co-accused persons namely Sankar Mandal and Babita Devi have already granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 43781 of 2024 vide order dated



20.07.2024.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as occurrence, prima facie, appears free fight in nature, where injury also appears simple in nature negating, prima facie "intention to cause death", accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai/concerned Court below where the case is pending 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.

(Chandra Shekhar Jha, J.)

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