

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75732 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- JOGBANI District- Araria

1. HARKHU MANDAL S/O LATE HUKUMLAL MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA
2. RANJEET KUMAR S/O SHTRUGHAN MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA
3. BHUVESHWAR MANDAL @ BHUNESHWAR MANDAL S/O HARKHU MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA
4. SURESH MANDAL S/O HARKHU MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA
5. MAHESH KUMAR MANDAL S/O BHUNESHWAR MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA
6. SANTOSH KUMAR MANDAL S/O SURESH MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA
7. RAMESH MANDAL S/O HARKHU MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA
8. ASHOK KUMAR MANDAL S/O SURESH MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA
9. DINESH KR. MANDAL @ DINESH MANDAL S/O BHUNESHWAR MANDAL SAHWAJPUR, WARD NO. 14, PS. JOGBANI (BATHNAHA O.P.), DIST. ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-03-2024 1. Heard learned Counsel for the petitioners and
learned APP for the State.

2. This application, for grant of anticipatory bail,
arises out of Jogbani (Bathnaha) PS case no. 390 of 2022,



disclosing offences punishable under Sections 147, 148, 149, 323, 324, 341, 448, 307, 379, 504 of the Indian Penal Code.

3. The prosecution story, as per the First Information Report, is that on 02.12.2022, while the informant was sitting at her door, all the 11 FIR named accused persons, by making unlawfully assembly, arrived there, abused the informant and assaulted her and her family members, due to which, Pradeep Mandal, Dhanjit Mandal and other family members of the informant sustained injury. It has further been alleged that Suresh Mandal (petitioner no. 4), Santosh Mandal (petitioner no. 6), Mahesh Mandal (petitioner no. 5), Harkhu Mandal (petitioner no. 1), with the help of sharp cutting weapon, assaulted the members of the informant's family.

The reason behind the occurrence is that prior to the date of occurrence, on 01.12.2022, the bicycle of Sajjan Kumar dashed the son of Ranjit Mandal.

4. Learned Counsel for the petitioners submits that both parties are co-villagers and there is land dispute between them also. He further submits that on the issue of dashing the son of Ranjit Mandal by the cycle of Sajjan Kumar, free fight occurred between both parties, in which petitioner's side also sustained injuries, for which, FIR bearing Jogbani (Bathnaha)



PS case no. 389 of 2022 is also registered, which is a counter version to this case.

5. Learned counsel for the State, referring to case diary, submits that three persons have sustained grievous injuries; two of them sustained injuries on scalp and there is specific allegation of assault against petitioners no. 1, 4, 5 and 6, accordingly they do not deserve bail.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both parties are co-villagers and there is case and counter case between them and allegations against petitioners no. 2, 3, 7, 8 and 9 are general and omnibus in nature, I am inclined to grant the privilege of anticipatory bail to the petitioners no. 2, 3, 7, 8 and 9.

7. Insofar as petitioners no. 1, 4, 5 and 6 are concerned, the allegations levelled against them are specific in nature and three of the victims have sustained grievous injuries including injuries on vital part i.e. scalp due to the assault made by them. Accordingly, I am not inclined to grant bail to petitioners no. 1, 4, 5 and 6 and the same is rejected, however petitioners no. 1, 4, 5 and 6 are granted liberty to surrender and seek regular bail before the learned trial court and the learned



trial court is directed to consider their bail application without being prejudiced by the fact that this Court has rejected their prayer for anticipatory bail.

8. In the above facts and circumstances, let petitioners no. 2, 3, 7, 8 and 9, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, 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 A.C.J.M.-V, Araria in connection with Jogbani (Bathnaha) PS case no. 390 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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