

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76455 of 2024**

Arising Out of PS. Case No.-61 Year-2024 Thana- BASANHI District- Saharsa

1. Dhirendra Mandal @ Dhiren Mandal son of Late Lakhan Mandal R/o village- Pachlakh tola. Hingwa Ward no 6, PS -Basnahi, District -Saharsa
2. Ranjit Mandal Son of Rajendra Mandal R/o village- Pachlakh tola. Hingwa Ward no 6, PS -Basnahi, District -Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      20-12-2024                      Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Basnahi P.S. Case No. 61 of 2024, registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 447 and 504 of the Indian Penal Code and later on, Section 302 of the Indian Penal Code was added.

3. On the fateful day, all the FIR named accused persons, including the petitioners, after forming unlawful assembly, armed with *lathi*, *danda* and iron rod came there and started abusing the informant and others. It is specifically alleged that the accused persons dragged the family members of



the informant out of the house and assaulted indiscriminately, due to which three persons have sustained injuries, in which one person died during the course of treatment.

4. Learned Advocate for the petitioners contended that there is omnibus nature of allegation against all the FIR named accused persons, including the petitioners. So far the other two injured persons are concerned besides the deceased, whose statements were recorded by the Investigating Officer in paragraph nos. 46 and 47 of the case diary, they have also not made any specific allegation against the petitioners. So far the deceased is concerned, who has also sustained only two injuries, one over the head and another injury was found on forearm, caused by hard and blunt substance. It is the contention of the petitioners that in fact on account of a long standing land dispute between the parties, they entered into a free fight, resulting into a case and counter case being Basnahi P.S. Case No. 62 of 2024, for the occurrence of the same day. There is no criminal antecedent to the credit of these petitioners.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioners have actively participated, in which one of the injured has died.



6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the post-mortem report and the factum of case and counter case and the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Saharsa in connection with Basnahi P.S. Case No. 61 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

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