

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78589 of 2024

Arising Out of PS. Case No.-170 Year-2024 Thana- SHAMBHUGANJ District- Banka

Jeewan Mandal @ Nitya Nand Mandal @ Nityanand Kumar Mandal, S/O Maheshwari Mandal, R/O Village- Kamatpur, P.S- Shambhuganj, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and Mr. Jagdhar Prasad, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Shambhuganj P.S. Case No.170 of 2024 instituted for the offence under Sections 341, 323, 307, 354, 379, 504, 506, 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he assaulted the father of the informant with *farsa* due to which he fell down.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this



case due to previous land dispute. It is further submitted that the injury report shows the nature of injury is simple. From perusal of the primary injury report, it is clear that the father of the informant has received two incised wound measuring 1"x1/2"x1/4". The doctor has opined that the nature of injury is simple but this opinion has been given as per the record of the radiology and statement given by Lalan Singh, Senior Resident, JLN MCH. As the doctor has advised CT-Scan, no opinion should be given whether the patient has followed the advice or not unless and until the C.T.-Scan is available. From the injuries, it is clear that the injuries are superficial in nature. Petitioner is having no criminal antecedent.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Shambhuganj P.S. Case No. 170 of 2024, he will be enlarged on 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, Banka,
subject to the conditions as laid down under section 438(2) of
the Cr.P.C.

(Ashok Kumar Pandey, J)

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