

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79037 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- BARARI District- Katihar

1. Sunil Mandal Son of Bhikhari Mandal R/o vill - Dappu Diyara, Aminabad, P.S. - Barari, Distt. - Katihar
2. Raj Kishor Kumar Mandal @ Raj Kishr Mandal Son of Bhikhari Mandal R/o vill - Dappu Diyara, Aminabad, P.S. - Barari, Distt. - Katihar
3. Narsingh Mandal Son of Bhikari Mandal R/o vill - Dappu Diyara, Aminabad, P.S. - Barari, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Barari P.S. Case No. 379 of 2022 registered for the offences punishable under Sections 341, 323, 324, 379, 504, 506 and 307 of the Indian Penal Code.

3. The allegation against the petitioners is to assault informant and others by means of iron rod, *lathi*, *farsa* etc., causing head and other bodily injuries, with intention to cause



death, where alleged occurrence arises out of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated with the present case, where nature of injury as per injury report is “laceration” which not appears in corroboration with the nature of weapons alleged to cause injury. It is further pointed out that injury received is single without having any intervening circumstances, negating intention to cause death, where injury appears simple in nature. While concluding the argument it is submitted that petitioners are men of clean antecedent.

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

6. In view of the facts and circumstances as mentioned above and by taking note of the nature of injury, which is simple in nature and single without having any intervening circumstances, *prima facie*, negating intention to cause death, accordingly all petitioners above named, in the event of their arrest or surrender before the learned Court within a period of four weeks, are 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 Additional Chief Judicial Magistrate-III,
Katihar/concerned Court where the case is pending in
connection with Barari P.S. Case No. 379 of 2022 subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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