

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79863 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- BIHARIGANJ District- Madhepura

1. Sanjay Mahto, Son of Late Bhola Mahto, R/o Village- Makari (Pakari), P.S.- Bihariganj, Dist- Madhepura
2. Bangali Mandal, Son of Late Shiv Nandan Mandal, R/o Village- Gamail P.S- Bihariganj District- Madhepura
3. Pappu Mandal, Son of Late Shiv Nandan Mandal, R/o Village- Gamail P.S- Bihariganj District- Madhepura
4. Mangen Mandal @ Magen Mandal, Son of Late Sakkal Mandal, R/o Village- Gamail P.S- Bihariganj District- Madhepura
5. Shambhu Kumar @ Shambhu Mandal, Son of Radhe Mandal, R/o Village- Gamail P.S- Bihariganj District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioners and Mr. Syed Mojibur Rahman, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bihariganj P.S. Case No. 168 of 2024 instituted for the offence under Sections 323, 324, 341, 379, 504, 506/34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioners along with others abused and assaulted the informant. When the



son of the informant namely, Chiku Kumr objected it, Shambhu Mandal assaulted him with a sharp cutting Garasha on the head. It is further alleged that when the wife of the informant came to rescue, she was also assaulted by Prakash Mandal and all the other accused persons assaulted them.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. There is a counter version of this case, which was filed prior to this case. It has further been submitted that there is land dispute between the parties. The injury report of Chiku Kumar shows that he has received lacerated wound whereas allegation is that of assaulting him with sharp cutting weapon. It has also been submitted that the accused side has also received injuries which is apparent from their injury report.

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

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 petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest



or surrender in connection with Bihariganj P.S. Case No. 168 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, Madhepura, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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