

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19231 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- BANDHUWA KURAWA District- Banka

1. Manoj Kumar @ Manoj Mandal Son of Pritam Deo Mandal Resident of village- Bagicha, Police Station -Bandhuawa Kurawa, District- Banka
2. Mukesh Kumar @ Mukesh Mandal Son of Pritam Deo Mandal Resident of village- Bagicha, Police Station -Bandhuawa Kurawa, District- Banka
3. Vikash Mandal @ Vikhan Kumar Son of Dhananjay Mandal Resident of village- Bagicha, Police Station -Bandhuawa Kurawa, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee, Advocate
For the Informant	:	Mr. Pratyush Pratap Singh, Advocate
For the State	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-08-2025 Heard Mr. Ajay Mukherjee, learned counsel for the petitioners, Mr. Pratyush Pratap Singh, learned counsel for the Informant and Mr. Manoj Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bandhua Kurawa P.S. Case No. 85 of 2024, F.I.R. dated 23.09.2024 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 119, 281, 352, 351(2), 3(5) of the B.N.S.

3. Allegation against the petitioners is that they have assaulted to the informant and his grandson Kanhaiya Kumar Thakur by lathi, due to which they sustained injuries.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case and it appears from the F.I.R. that the present occurrence had taken place due to admitted land dispute and there is case and counter case between the parties. Although, the petitioners are named in the F.I.R. and there is specific allegation against petitioner no. 1 that he has assaulted to the informant and the informant has received injury but the injury report of the informant suggests that the injury is simple in nature. As per injury report of Kanhaiya Kumar Thakur is concerned, the injury of Kanhaiya Kumar Thakur suggests that the injury is grievous in nature but from perusal of the injury report which suggests that due to fracture on his left leg the injury is grievous which is not vital part of the body of the injured person.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and with a common intention they have assaulted to the informant and his family members and injury inflicted upon Kanhaiya Kumar Thakur is grievous in nature.



6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is case and counter case between the parties and the injury inflicted upon Kanhaiya Kumar Thakur which is not vital part of the body and injury inflicted upon the informant is simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 Chief Judicial Magistrate, Banka in connection with Bandhua Kurawa P.S. Case No. 85 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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