

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35159 of 2025

Arising Out of PS. Case No.-454 Year-2024 Thana- BANKA District- Banka

1. Pawan Kumar @ Pawan Kumar Mandal S/o- Subodh Kumar Mandal @ Subodh Kumar Singh @ Subodh Mandal Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
 2. Subodh Kumar Mandal @ Subodh Kumar Singh @ Subodh Mandal S/o- Late Chhotelal Singh @ Late Chhotelal Manda Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
 3. Raj Guru Kumar @ Raj Guru Mandal S/o- Jawahar Mandal Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
 4. Umakant Singh @ Umakant Mandal S/o- Late Kameshwar Singh @ Late Kameshwar Mandal Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
 5. Radhika Devi W/o- Subodh Kumar Mandal @ Subodh Kumar Singh @ Subodh Mandal Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
 6. Budho Devi @ Budho Devi @ Rima Devi D/o- Umakant Singh @ Umakant Mandal Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
 7. Nisha Kumari @ Nisha Devi W/o- Rakesh Kumar Mandal Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
 8. Mala Devi @ Maya Devi W/o- Umakant Mandal Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
 9. Preeti Kumari @ Preeti Devi W/o- Pawan Kumar @ Pawan Kumar Mandal @ Pawan Mandal Resident Of Village- Koriyandha, Ps- Banka, Dist- Banka
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Banka P.S. Case No. 454 of 2024, dated 02.11.2024, lodged under Sections 191(1), 191(2), 126(2), 115(2), 109 and 352 of the Bhartiya Nyaya Sanhita, 2023



(hereinafter referred to as “BNS, 2023”), pending before the Court of Chief Judicial Magistrate, Banka.

3. As per the prosecution, FIR has been lodged against the present petitioners, alleging that while the informant and her daughter were walking, the accused persons tried to drag them into their house. When the informant tried to save her daughter, petitioner No. 1 allegedly assaulted her with a *kudaal*, causing injury. Subsequently, when a family member came to help, he was also assaulted by petitioner No. 2. Finally, when her elder son came to their rescue, petitioner No. 4 allegedly assaulted him with an iron rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the petitioners are adjacent neighbours, and a dispute arose over a common path which both parties used, with each claiming the path as their personal property. This led to a scuffle between both sides. He further submits that injuries were caused to both parties during the incident. He further submits that both parties are related and neither of them are habitual criminals, the incident occurred in the heat of the moment. It is also submitted that for the same date and place of occurrence, both a case and a counter-case have been lodged



between the parties. The petitioners' side has filed Banka P.S. Case No. 455 of 2024, while the informant's side has lodged Banka P.S. Case No. 454 of 2024. He also submits that the petitioners have clean criminal antecedents. Furthermore, he submits that the petitioners are willing to abide by any conditions that may be imposed by this Court.

5. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that there is a case and a counter-case between the parties.

6. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, in connection with Banka P.S. Case No. 454 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

Aman Kumar/-

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