

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42267 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- SHIVAJINAGAR District- Samastipur

Radhe Krishna Kumar @ Radhe Krishna Mandal, son of Bilat Mandal,
Resident of Village -Dahiyar, Police Station -Shivajinagar, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-10-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Shivajinagar P.S. Case No. 08 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 354, 447, 504 and 506 of the Indian Penal Code.

3. On the fateful day, while the informant was at her home, in the meantime, all the F.I.R. named accused persons armed with axe, knife and stick came there. On the exhortation made by co-accused Sitaram Mandal, the accused persons assaulted the informant, besides there is allegation of molestation against co-accused Sundar Mandal. The petitioner has assaulted the husband of the informant over his head by means of axe, due to which he sustained serious injury. There is further allegation against other accused persons of assault and snatching valuables.



4. Learned Advocate for the petitioner submitted that besides the other fact, there is a counter version of the present case, being Shivaji Nagar P.S. Case No. 9 of 2024 registered against the husband of the informant and others. During the course of investigation, the police has not found any material against the petitioner and resultantly charge-sheet has been submitted only against the co-accused Sitaram Mandal and Bilat Mandal. However, differing with the final report, the learned jurisdictional court took cognizance for the offences, as alleged in the F.I.R. against the petitioner and other named accused persons also. Initially the injury report issued from the Medical Officer, Additional Primary Health Centre, Shivaji Nagar, the nature of injury was found to be simple in nature, but later on after the NCCT of brain report, the same has been declared to be grievous in nature. The petitioner submits that in fact on account of a land dispute, both the parties have entered into a free fight and the persons of both the sides have sustained injury, but on the intervention of well wishers, the parties have compromised the matter.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that there is specific allegation against the petitioner of causing axe blow over the head of the husband of the informant, which fact also



corroborate from the injury report. The injuries have been found to be grievous in nature and, as such, the petitioner does not deserve anticipatory bail.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that during the course of investigation no material was found against the petitioner and thus not sent up for trial, besides the delay in lodging of the F.I.R., coupled with the fair antecedent and the factum of case and counter case, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Rosera, Samastipur in connection with Shivajinagar P.S. Case No. 08 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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