

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65425 of 2024**

Arising Out of PS. Case No.-299 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

1. Pappu Mandal @ Chote Lal @ Chote Lal Singh S/O- Late Uchit Lal Mandal Moh- Kutubganj Ps- Mojahidpur Babarganj Dist- Bhagalpur
2. Sunita Devi W/O- Pappu Mandal @ Chote Lal @ Chote Lal Singh Moh- Kutubganj Ps- Mojahidpur Babarganj Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Mr.Ahmad Ali

**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH**

ORAL ORDER

5      22-03-2025                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Mojahidpur (Babarganj) P.S. Case no. 299 of 2023 instituted for the offence under Sections 341, 323, 307, 304/34 of the Indian Penal Code.

3. The allegation against the petitioners is that they, along with their family members (co-accused persons), assaulted the informant's dumb son by kicking him in the stomach while he was attending nature's call by the roadside.



Furthermore, it is alleged that while the informant was taking him to the doctor, the victim succumbed to his injuries on the way. It is further alleged that when informant's brother-in-law went to the house of petitioners to tell them, petitioner No. 1, namely, Pappu Mandal assaulted him by means of iron rod due to which he sustained head injuries. Other co-accused persons also assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent and committed no offence. Both parties are neighbors and in the background of land dispute, regarding use of passage, petitioners have falsely been implicated in the instant case. There is case and counter case between the parties. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent.

5. Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that from perusal of para 3, 4, 8 & 9 of case diary, it appears that several witnesses have supported the prosecution version of this case. In para 29 of the case diary, photocopy of



postmortem report has been reproduced, in which doctor has opined that the injuries were antemortem and dangerous to life, caused by hard and blunt object. Cause of death has been mentioned as liver injury and its complications due to hard and blunt object. It is further submitted that investigation is still going on.

6. Having heard the learned counsel for the parties and considering the gravity of offence, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for anticipatory bail stands rejected.

7. The petitioners are directed to surrender before learned court below and pray for regular bail. The same may be considered by the court below on its own merit, without being prejudiced by the order of this Court.

**(S. B. Pd. Singh, J)**

Nirajkrs/-

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