

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36265 of 2026

Arising Out of PS. Case No.-245 Year-2023 Thana- BASOPATTI District- Madhubani

Nagendra Mandal @ Nage Mandal, S/o Gangay Mandal, R/o Village - Jaso,
P.S. - Basopatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-06-2026 Heard Mr. A.K. Thakur, learned Advocate for the
petitioner and learned APP for the State through virtual mode.

2. The petitioner apprehends his arrest in connection with Basopatti P.S. Case No.245 of 2023 registered for the offences punishable under Sections 323, 341, 354B, 379, 324, 307, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, on the exhortation made by this petitioner on the given date and time of occurrence, co-accused Brahamadeo Thakur brutally assaulted the informant by means of a spade on his head, due to which he sustained serious injury. There is further allegation against co-accused Ranjeet Thakur of causing assault to the informant by means of a bamboo stick. Besides, there is allegation of outraging the modesty of the wife of the informant and snatching of valuables by other co-accused



persons.

4. The learned Advocate for the petitioner, taking this Court through the FIR, contended that save and except the allegation of exhortation, there is no allegation of any overt act against the petitioner. In fact, there was a dispute between the families which resulted into a free fight, leading to some unfortunate injuries and institution of case and counter-case being Basopatti P.S. Case No. 246 of 2023, instituted by the wife of the co-accused against the informant and his family members. During the course of investigation, no materials have been collected against the petitioner and accordingly a final report has been submitted showing the petitioner as innocent and he has not even been sent up for trial. A copy of the final report has been placed on record as Annexure-2. However, differing with the final report, the learned Judicial Magistrate 1st Class, Madhubani, has taken cognizance of the offences as alleged in the FIR. Hence, the necessity of the present application.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner is carrying three criminal antecedents, as disclosed in para-3 of the bail application and there is a specific accusation against the petitioner that he is an order giver.



6. Having considered the submissions advanced on behalf of learned Advocates for the respective parties and taking note of the nature of accusation, coupled with the fact that the petitioner was not sent up for trial and differing with the final report, the learned Magistrate has taken cognizance for the offences as alleged in the FIR, besides the factum of case and counter-case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhubani in connection with Basopatti P.S. Case No.245 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

