

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44837 of 2015**

Arising Out of PS.Case No. -189 Year- 2015 Thana -KRITYANAND NAGAR District- PURNIA

1. Ashok Mandal  
2. Bhola Mandal Both sons of Late Muni Lal Mandal. Resident of village  
Kajra Mushahari O.P. Garhiya Baluwa P.S. K.Nagar, District Purnea  
..... Petitioner/s

Versus

1. The State of Bihar  
..... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate


For the Opposite Party/s : Mr. Yogendra Kumar(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR**  
**SINGH**  
**ORAL ORDER**

3      30-10-2015      Heard learned counsel for the petitioners and the  
State.

Petitioners are apprehending their arrest in a case  
registered for the offences punishable under Sections 447,  
341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

The prosecution case is that the informant is  
getting house constructed on his house which was protested  
by the accused persons. Petitioner no. 1 namely, Ashok  
Kumar assaulted with stones on the head of the informant,  
whereas petitioner no. 2 Bhola Mandal assaulted with the  
bamboo stick to the brother of the informant. When the father  
of the informant came to rescue them, then he was assaulted  
by petitioner no. 1, Ashok Kumar with pointed lathi on his  
eye. It is further alleged that the wife of the informant was also  
assaulted.



It is submitted by the learned counsel for the petitioners that in the background of land dispute, accusation has been levelled. The petitioners were not armed from before but they only alleged to have made assault with the constructed materials available on the place of occurrence. There is counter version of the occurrence. The petitioners' side have also received injuries. The injuries of informant's side are simple, except the injury of the father of the informant, who alleged to have been assaulted by petitioner no. 1, but there is no allegation that he has repeated the blow. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the fact that the occurrence took place in the background of land dispute, let the learned court below consider the prayer for regular bail of the above named petitioner no. 1, if he surrenders before the learned court below within a period of six weeks from today in connection with K. Nagar P.S. Case No. 189 of 2015, pending in the court of learned Chief Judicial Magistrate, Purnea.

So far as petitioner no. 2 is concerned, since injury caused by him has been found simple in nature, let the above named petitioner no. 2 be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount

each to the satisfaction of learned Chief Judicial Magistrate,  
Purnea in connection with K. Nagar P.S. Case No. 189 of 2015,  
subject to conditions as laid down under Section 438(2) of the  
Code of Criminal Procedure.

**(Dinesh Kumar Singh, J)**

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