

Court of District & Additional Sessions Judge III, Jhanjharpur
A.B.P. No- 341/2026
(Andharathari P.S case No- 48/2026 Gr.No.-612/2026)
Santosh Kumar Mandal & Ors. Vs. State of Bihar
U/s- 126(2),115(2),109,127(2),324(4),303(2),74,352,3(5) of BNS

S.N	Date of order	Order with signature	Office notes as to action taken
1	2	3	4
	22.05.2026	1. This is the anticipatory bail application U/s – 482 of BNSS seeking pre-arrest bail by the accused persons namely 1. Santosh Kumar Mandal @ Santosh Mandal aged about 29 years S/o- Late Bikan Mandal and 2. Mahendra Mandal aged about 53 years S/o- Late Ramdev Mandal Both R/o- Gangdwar, Ward No. 05 PS- Andharathari District- Madhubani in connection with Andharathari P.S case No- 48/2026 Gr.No.-612/2026, U/s- 126(2),115(2),109,127(2),324(4),303(2),74,352,3(5) of BNS. 2. Heard Sri Shashank Shekhar for the petitioner and Sri Deo Shankar Jha, learned APP for the state. 3. The learned counsel of the petitioner submitted that no any sort of bail petition has earlier been filed in this court or any higher court. It was further submitted that the petitioners are innocent, have not committed any offence and falsely been implicated in this case. He has further submitted that petitioners have no criminal history. It has further been stated that the petitioner and informant are relatives which is admitted fact and there has been land dispute between them as informant had filed Title Suit bearing No. T.S. 173/2018 against uncle of petitioner No. 2 i.e. Brahmddev Mandal and later that case was dismissed on default of pairvi of informant/plaintiff. Photocopy of order dated 09.09.2025 in T.S No. 173/2018 passed by Civil Judge Sr. Div II, Jhanjharpur and Certified copy of Plaint of T.S No. 17/2018 are annexed herewith and marked as Annexure I & II. It has further been stated that the informant along with others assaulted petitioner No. 1 on 10.03.2026 and caused him to be injured and he got treatment on 10.03.2026 at Referral Hospital, which was not registered even after passage of 10 days, Photocopy of Hospital treatment slip of Petitioner No. 1 is annexed herewith and marked as Annexure-III. It has further been stated that the informant has lodged instant case in order to save himself from occurrence of commission of crime with petitioner No. 1 Santoh Kumar Mandal and falsely implicated petitioner and other accused persons. It was also submitted that the petitioners are local and there is no chance of their absconding, if they be enlarged on bail. The learned counsel prayed to allow the petitioners on bail. 4. The learned APP opposed the petition and prayed to reject it. 5. The prosecution case in brief is that at about 9:15 AM on 11.03.2026 and in the meantime his pattidar namely Santosh Mandal & Prince Mandal, Mahindra Mandal, Ritesh Mandal all armed with weapons reached near informant and asked him why he is affixing bamboo on his land and then informant replied that this is his Khatiyani land and he also got Parimarjan and he has up-to-date Rent Receipt in name of informant's father and then all four accused persons got angry and Santosh Mandal while abusing informant with Dabiya in his hand attacked informant on his head which caused injury on left side of informant's head and it started bleeding and in	

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cont. 22.05.2026	the meantime Prince Mandal also attacked with Farsa in his hand on head of informant which caused injury on right side of informant's head and it started bleeding and then informant fell down and then Mahendra Mandal and Ritesh Mandal entered Angan of informant and started damaging household things and took Golden Chain from bag worth Rs. 1,50,000/- and then Ritesh Madal started abusing informant's daughter Anchal Kumari and Kaveri Kumari and tore their clothes and caused them to become half naked and then after listening to shouting, villagers gathered and then accused persons fled away from their and then villagers took informant to Sadar Hospital, Madhubani where he was getting treatment and then on 13.03.2026 at 16:25 O'Clock informant recorded his fardbayan to Police official of Nagar Thana Madhubani. 6. Perused the case record. From perusal of the case record, and submissions of both the parties and other materials available on record, I find that alleged incident happened between the parties in shadow of land dispute for which one Title Suit No. 173/2018, filed by informant was pending and later on it was dismissed for default. On further perusal of case record and annexure attached with Bail petition, I find that there was free fighting between both parties and doctor has opined that nature of injury may be dangerous but it is setteled principle of criminal jurisprudence that there should be certainty in opinion otherwise it would be concluded as imaginary. On further perusal I find that allegation against petitioner no. 2 appears superaddition. Further the petitioners have no criminal antecedent. 7. In the facts and circumstances mentioned above, the anticipatory bail petition filed on behalf of the petitioners namely 1. Santosh Kumar Mandal @ Santosh Mandal and 2. Mahendra Mandal, are hereby allowed. In the event of arrest/surrender by the petitioner within 21 days of the receipt/production of the order, they are directed to be released on furnishing bail bonds of Rs. 10000/- with two sureties of like amount, subject to the satisfaction of the learned court concerned with an undertaking under section 482(2) of BNSS. Dictated and corrected by Anil Kumar Ram District & Additional Sessions Judge III Jhanjharpur
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