

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43653 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- ALOULI District- Khagaria

1. NANDLAL SINGH S/O LATE BRAHMDEO SINGH R/o village- Nista,
P.S.- Alauli, District- Khagaria
2. Sulendra Singh @ Surendra Singh S/o Late Brahmdeo Singh R/o village-
Nista, P.S.- Alauli, District- Khagaria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in connection with Alauli P.S. Case No. 120/2021 registered for the offences punishable under Sections 147, 148, 149, 348, 341, 323, 324, 307, 504, 506, 354, 379, 427, 326/34 of the Indian Penal Code.

The prosecution story in brief is that on 29.03.2021 at about 5 PM, FIR named accused persons armed with iron rod, farsa, knife, sword entered into the house of informant and



started to abuse him. Informant further alleged that accused persons are manufacturer and seller of mahua wine and have alleged that due to informant's information to police, police has made raid to his house. They always used to threaten to kill him due to such act. He further alleged that they started to assault him and accused Sulendra in order to kill him has exercised iron rod on his head which became rupture and bleeding started from it. He further alleged that he became unconscious due to assault of accused persons and accused persons took out Rs. 4500/- from him. He further alleged that accused Nandlal used sword on the mouth of his son and as a result of it he received injuries on his lips, nose and head. He further alleged that accused Sulendra used knife towards his stomach and he also received serious injury. He also alleged that they also misbehaved with female members of his family and threatened also to institute false case against him.

Learned counsel for the petitioners submit that petitioner no. 1 has no criminal antecedent and petitioner no. 2 is accused in one case. He has further submitted that the petitioners have falsely been implicated in the present case and petitioners are full brother. He further submits that there is no specific allegation against co-accused persons and there is



general and omnibus allegation against all accused persons. He has further submitted that the present F.I.R. is counter blast of Alauli P.S. case No. 120/21 and the petitioners are in custody since 01.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. Case No. 120/2021 subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.
2. If the petitioner, tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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