

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25805 of 2021

Arising Out of PS. Case No.-203 Year-2019 Thana- KASBA District- Purnia

Mahendra Lal Bishwas S/O Jhatkan Lal Bishwas R/O Village-Ratwaili, P.S.-
KASBA, District Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Kasba
P.S.Case No.203 of 2019 registered for the offence under
Sections 323,341,324,307,504,34 of the Indian Penal Code.

The prosecution case, in short, is that 12.10.2019 at
about 8.00 P.M. the informant with his nephew Nirbhay Kumar
Bishwas was going at the house of Shyam Bishwas. He heard
sound of some persons. Informant asked about them. Hearing
the sound of informant, they started fleeing. Informant and his
nephew chased those persons and apprehended Pradip Bhawas
@ Jhattun then Mahendra Bishwas, who was armed with
dagger, attacked with dagger on informant with intention to kill
him. Informant sustained injury in his thigh. He released the



accused then nephew of informant tried to apprehend Mahendra Bishwas then Mahendra Bishwas assaulted with dagger in the abdomen of informant's nephew from which he sustained injury and fell down in the ground. At that time Mahendra Bishwas and Pradip Bishwas @ Jhattun had consumed the wine. Kasba police arrested Pradip Bishwas @ Jhattun with motorcycle.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the name of the petitioner has been dragged by the police in connivance with the informant. He further submits that the present FIR is counter blast of Complaint Case No. 2137 of 2019 filed by the wife of the petitioner against the present informant and other accused persons. He further submits that the petitioner has falsely been implicated due to the aforesaid complaint case. Petitioner is in custody since 18.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond 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 Kasba P.S. Case No.203 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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