

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29898 of 2022

Arising Out of PS. Case No.-190 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Nilesh Kumar Mandal Son Of Late Umesh Mandal @ Umeshwar Mandal
R/O Village- Tatwa Toli, Shankar Chowk, P.S.- K.Hat Sahayak, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
307, 504, 506, 379 of the Indian Penal Code.

According to prosecution case, in brief, is that on
23.02.2022 the informant was at his house and was talking with
one of his friends namely, Vimal Das. Meanwhile, he received a
call from Ravi Kumar Tiwari that 'you come to my house for
some conversation at Gokul Singh.' When he reached Ravi
Kumar Tiwari's house with his friend Vimal Das, where he
found seven-eight unknown persons. The informant and his



friend Vimal Das went inside the room and sat and asked Ravi Kumar Tiwari as to why I have been called ? Then he said that by showing fake papers of one of your pieced os land, a forged agreement by Nilesh Mandal (petitioner) has been prepared in the name of Parvati Devi, Sajeet Das and Pappu Das and have cheated my relative of Rs.2,50,000/-, whereas, the land is in the name of Umesh Das and all the papers are also in your name. In the meantime petitioner Nilesh Kumar Mandal ordered not to move and wait for two minutes and he abused him by naming his caste as Julaha and said that you have become a big landlord. Execute document of your land, otherwise you will not go alive from here. Ignoring this, the informant went out from Ravi Kumar's house and told his friend to start the motorcycle for going home and as soon as the motorcycle moved forward about two steps, 4-5 women and (unknown people) co-accused persons came in front of them Ritu Devi, Sanjula Devi, Champi Devi and Sapna Devi were holding stones in their hands and accused Pappu Das and Sanjit Das with iron rod and Ravindra Das, Amit Kumar Mandal armed with sticks in their hands they with an intention to kill started assaulting him in which Pappu Das and Sanjit Das said that today we have to kill him. Pappu Das attacked first with rod and Sanjit Das strike the second rod



on the head of informant with an intention to kill him and took out Rs.10,000/- which was kept by him to bring domestic articles and Amit Mandal snatched the chain of gold worth Rs.15,000/- and Nilesh Mandal snatched gold ring from the right hand of informant worth Rs.10,000/-.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no allegation of assault against the petitioner and there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 01.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with K. Hat (Sahayak) P.S. Case No. 190 of 2022, 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.

3. 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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