

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56920 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- PANDAUL District- Madhubani

1. Nandan Mukhiya S/O Bauku Mukhiya Resident Of Village- Sarisarpahi West, P.S.- Pandaul, District- Madhubani.
2. Krishana Mahto S/O Bhola Mahto Resident Of Village- Sarisarpahi West, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Ravi Prakash, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioners 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.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354(B), 379, 504/34 of the I.P.C.

According to prosecution case, in brief, is that informant namely, Vimal Devi, has alleged that earlier a sum of Rs. 50,000/- was given to the co-accused Lakho Devi in from of loan. On 20.07.2022, the informant went to the house of Lakho Devi and said to return the aforesaid money then Lakho Devi



declined to return the money and rather with co-accused persons abused and assaulted the informant after that Nandan Mukhiya pulled her saree and Krishna Mahto snatched her gold jewellery.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the allegation against the petitioners is false and concocted. He further submits that in fact the petitioner no.2 is son of the co-accused Lakho Devi and petitioner no.2 has no concern at all with the present occurrence. He further submits that there is no such occurrence took place and there is no injury report available on the record. He further submits that similarly situated co-accused persons namely, Bauku Mukhiya, Deokala Devi, Satnarayan Mahto, Bhola Mahto have been granted anticipatory bail by the Court below itself.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Pandaul P.S. Case No. 153 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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