

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5667 of 2023

Arising Out of PS. Case No.-146 Year-2021 Thana- NAUGACHIA District- Bhagalpur

1. GOVIND KUMAR Son of Lukho @ Loko @ Arjun Yadav R/V- Tetri P.S- Naugachiya Dist- Bhagalpur
2. Nawal Kumar Son of Subhash Yadav R/V- Tetri P.S- Naugachiya Dist- Bhagalpur
3. Chuno @ Chunchun Yadav Son of Subhash Yadav R/V- Tetri P.S- Naugachiya Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Adv.
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 25.02.2022, 25.05.2022 & 05.09.2022 respectively, in connection with S.Tr. No.856/2022, arising out of Naugachia P.S. Case No.146/2021 dated 10.04.2021, registered for the offences punishable under Sections 147, 148, 149, 341, 325, 307, 302 and 379 of the Indian Penal Code.

According to prosecution case, the petitioners along with other co-accused persons came at the house of deceased Subhash Mandal having lathi, danda and rod in their hands and



attacked on his house and brutally assaulted him and his family members. It is further alleged that Subhash Mandal was brought at the hospital for treatment, where the doctor declared him dead.

Learned counsel for the petitioners submits that the petitioner no.1 and petitioner no.3 have clean antecedent and petitioner no.2 has carried one criminal antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and from bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the specific allegation is against co-accused, namely, Vinay Yadav, Pawan Yadav and Mangal Yadav and Vijay Yadav has been granted bail by the co-ordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No.66495/2021, other co-accused namely, Sagar Kumar and Pawan Yadav have been granted bail vide order dated 23.08.2023 passed in Cr. Misc. No. 69062/2021 and other co-accused, namely, Avinash Kumar @ Awinash Kumar has been granted bail vide order dated 23.08.2023 passed in Cr.



Misc. No. 70274/2021 and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 is in custody since 25.02.2022, petitioner no.2 is in custody since 25.05.2022 and the petitioner no.3 is in custody since 05.09.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.2 has carried one criminal antecedent other than the present one but fairly submits that the petitioner no.1 and 3 have clean antecedent.

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 A.C.J.M.-Ist, Naugachia in connection with S.Tr. No.856/2022, Naugachia P.S. Case No. 146/2021, subject to 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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