

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18072 of 2023

Arising Out of PS. Case No.-573 Year-2020 Thana- NATHNAGAR District- Bhagalpur

1. Mritunjay Mandal @ Mritunjay Kumar Son Of Chandra Mohan Mandal Resident Of Village- Madhopur, P.O.- Haridaspur, P.S.- Nathnagar, District- Bhagalpur
2. Baltu Mandal Son Of Chandra Mohan Mandal Resident Of Village- Madhopur, P.O.- Haridaspur, P.S.- Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Arvind Kumar, Advocate Mr. Kumar Rajdeep, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, APP
For the Informant	:	Mr. Manoj Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-12-2023 Heard Mr. N.K. Agrawal, learned senior counsel for the petitioners, Mr. Manoj Kumar Jha, learned counsel appearing on behalf of the informant as well as Mr. Abhay Kumar, learned Additional Public Prosecutor for the State.

2. Earlier the bail application of the petitioners were rejected vide order dated 02.03.2022 passed in Cr. Misc. No. 38439 of 2021 (petitioner no. 1) and in Cr. Misc. No. 44445 of 2021 (petitioner no. 2). Thereafter, the petitioners have moved before this Hon'ble Court in Cr. Misc. No. 72799 of 2022 which was withdrawn with the liberty to move a fresh application



before the learned Court below and thereafter, the petitioners have again moved before the Hon'ble Court.

3. Petitioners seek bail who are in custody since 25.11.2020 in connection with Nathnagar P.S. Case No. 573 of 2020, F.I.R. dated 22.09.2020 for the offences punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code as well as Section 27 of the Arms Act.

4. 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 there is no specific allegation of firing attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Vide order dated 13.10.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 08.11.2023 reveals that out of 12 chargesheet witnesses, 7 witnesses have already been examined.

6. Learned counsel for the petitioners submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioners are in custody since 25.11.2020.



7. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that it appears from the F.I.R that there is specific allegation against these petitioners that they have fired upon the victim and the trial is going on and out of 12 chargesheet witnesses, 7 witnesses have already been examined.

6. Considering the aforesaid facts and circumstances and report of the learned Trial Court 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 Additional Chief Judicial Magistrate 11, Bhagalpur in connection with Nathnagar P.S. Case No. 573 of 2020, subject to the following conditions:-

i. 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.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. 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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