

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20686 of 2023

Arising Out of PS. Case No.-206 Year-2022 Thana- BIHARIGANJ District- Madhepura

Mukesh Kumar Munna Son of Sri. Nawal Kishor Mandal @ Rajeev Ranjan Mandal Resident of Village- Sarouni Kala, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 27.10.2022 in connection with Bihariganj P.S. Case No. 206 of 2022, F.I.R. dated 16.08.2022 for the offences punishable under Sections 323, 341, 379, 307, 325, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along with other accused persons surrounded the house of the informant armed with weapons with an intention to kill him and



have done 35 rounds of firing and also assaulted and molested female members of the family.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the ground that the petitioner is the brother of the co-accused person, namely, Naveen Mandal and Naveen Mandal has some dispute relating to election of Mukhiya with the family member of the informant. He further submits it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and the allegation against them is that they have fired in the air. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that the co-accused persons, namely, Pintu Mandal and Chattis Mandal have been granted bail by the learned Court below and another co-accused, namely, Vijay Mandal @ Bijay Mandal has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 06.04.2023 passed in Cr. Misc. No. 75362 of 2022. The petitioner is in custody since 27.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 5 criminal antecedents other than



the present one but fairly submits that the petitioner is on bail in 4 cases out of 5 cases.

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 Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 206 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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