

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13809 of 2023

Arising Out of PS. Case No.-521 Year-2022 Thana- BIHPUR District- Bhagalpur

1. Mukesh Mandal Son Of Late Vishundeo Mandal R/O Village- Nurudipur Duhaila, P.S.- Bihpur, District- Bhagalpur
2. Dhairu Mandal Son Of Late Dhobi Mandal R/O Village- Nurudipur Duhaila, P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 27.09.2022 in connection with Bihpur P.S. Case No. 521 of 2022, F.I.R. dated 27.09.2022 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 504 of the Indian Penal Code.

According to prosecution case, in brief, is that on 26.09.2022 all the F.I.R. named accused persons including the petitioner barged into the house of informant and attacked on the informant and his family members with Knife, Talvar, Garasha and Pistol due to which informant, his father Manager



Mandal, Niranjana Mandal, her wife Shobha Devi and his brother's wife Vishakha Devi become unconscious. Miscreants also tried to outrage modesty of female family members of the informant's family.

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 there is case and counter case between the parties and it appears from the F.I.R. that there is no specific allegation of any assault or overt-act is attributed against these petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 27.09.2022.

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

Considering the aforesaid facts and circumstances, 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-1st, Naugachia, Bhagalpur in connection with Bihpur P.S. Case No. 521 of 2022, 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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