

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28867 of 2023

Arising Out of PS. Case No.-608 Year-2022 Thana- BIHPUR District- Bhagalpur

1. Bambam Kumar Son Of Polo Singh Village -NAVTOLIA Jhandapur ,PS-
Bihpur District Bhagalpur
2. Mantosh Yadav Son Iof Ambika Yadav Village -NAVTOLIA Jhandapur ,PS-
Bihpur District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

Petitioners seek bail who are in custody since
17.11.2022 in connection with Bihpur (Jhandapur) P.S. Case No.
608 of 2022, F.I.R. dated 02.11.2022 for the offences punishable
under Sections 147, 148, 149, 307, 333, 353 and 504 of the
Indian Penal Code.

According to prosecution case, 7-8 unknown
miscreants have assaulted Ajay Bhandari and one Hawaldar who



was on duty by means of lathi, bamboo and three nut.

Learned counsel for the petitioner submits that petitioners have falsely been implicated in the present case. He He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired after 14 days of the alleged occurrence and both the petitioners were apprehended in Nadi P.S. Case No. 29 of 2022 and the police has recorded their statement and implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioners and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 17.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that both the petitioners carries one criminal antecedent other than the present one.

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, District-



Bhagalpur in connection with Bihpur (Jhandapur) P.S. Case No. 608 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 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 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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