

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39212 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- BARHARA KOTHI District- Purnia

Maheshwar Mandal @ Maheshar Mandal Son of Sri Kamleshwari Mandal
Resident of village - Buti Kumar Basa, P.S.- Barhara Kothi, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Barhara P.S. Case No. 247 of 2022, registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 379, 504 and 506 of the IPC.

As per allegation, all the accused including the petitioner assaulted the informant with lathi, danda, bricks and stones and when the husband of the informant came to rescue her, he was also assaulted by the petitioner with iron rod.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner and the informant are the family members and in the background of family dispute, the allegation has been made. It is further submitted that a statement has been made in para 18 of the petition that the case has been compromised between the parties.

He further submits that the petitioner has been languishing in jail since 08.05.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that earlier the petitioner had moved this Court for grant of anticipatory bail.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Barhara P.S. Case No. 247 of 2022, on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all



the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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