

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41141 of 2022

Arising Out of PS. Case No.-41 Year-2020 Thana- RAJAON District- Banka

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Guddu Mandal @ Gangadhar Mandal S/o Sikandar Mandal R/o village-
Birnia, P .S.- Poraiyahat, District- Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 15-02-2023 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 in a case registered for the
offences punishable under Sections 302, 307, 120(B) and 34 of
the Indian Penal Code.

According to prosecution case, the petitioner
threatened the informant to go and compromise a case in which
the petitioner is also involved. On the call, the informant along
with his brothers went to the house of Dilip Sah, where they
were assaulted in ambush by the petitioner and others and the
petitioner assaulted the informant with knife causing cut injury
on his cheek.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the place of occurrence as alleged in the F.I.R. is different from the place of occurrence as submitted by the Police Officer. He further submits that in fact, the petitioner has exercised his right of private defence in order to save his life. He further submits that it has come during investigation in paragraph nos. 78, 80, 81 and 82 of the case diary that the petitioner has exercised his right of private defence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four more criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Rajoun P.S. Case No. 41 of 2020, 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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