

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55280 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- RUPAULI District- Purnia

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1. Arun Kumar Mandal @ Arun Mandal son of Late Bharat Mandal Village- Dibu Tola Rampur Parihat Ps- Rupauli Dist- Purnea
 2. Bipin Thakur @ Bipin Kumar Thakur son of Late Bindeshwari Thakur Village- Gidha Ps- Samastipur Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr. Bijendra Kumar Singh, learned counsel
for the petitioners as well as Mr. Md. Aslam Ansari, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rupauli P.S. Case No. 11 of 2023, F.I.R. dated 10.01.2023 for the offences punishable under Sections 144, 327, 307 and 120B of the Indian Penal Code.

3. According to prosecution case, due to some land disputes two miscreants have fired upon the son of the informant due to which he sustained injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case and due to admitted land dispute between the parties. He further submits that petitioner no. 1 is the full brother of the informant and petitioner no. 2 is the co-villager of the informant. He further submits that it appears from the F.I.R that there is no accusation of any assault or overt act or firing against these petitioners rather there is allegation against some unknown persons for have fired upon the son of the informant and due to admitted land disputes, these petitioners have been falsely implicated in the present case.

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

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate 1st Class, Purnea in connection with Rupauli P.S. Case No. 11 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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