

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61145 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BALTHAR District- West Champaran

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MAHLUDANI KHATOON W/o Manif Miyan R/o Vill- Aryanagar, P.S.-
Baltar, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
337, 338, 353, 186 and 188 of the Indian Penal Code.

According to prosecution case, 373 named persons
including the petitioner and 100 unknown persons assembled to
block the road and committed violence with the police party in
protest against the death of one person.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
that there is general and omnibus allegation against more than
370 persons including the petitioner. There is no specific



allegation against the petitioner. He further submits that similarly situated, co-accused, namely, Rajendra Sah @ Rajendra Prasad and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.12.2022, passed in Cr. Misc. No. 46002/2022, co-accused namely, Sanjay Patel & Others have been granted anticipatory bail vide order dated 23.01.2023 passed in Cr. Misc. No. 71762 of 2022. The petitioner is in custody since 18.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent 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 Balthar P.S. Case No. 44/2022, 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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