

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70927 of 2023**

Arising Out of PS. Case No.-167 Year-2023 Thana- DHAMDAHA District-
Purnia

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1. YUGAL KISHOR MANDAL S/O LATE BATESHWAR MANDAL R/O VILLAGE- NADHI, P.S- MADHEPURA, DISTT.- MADHEPURA.
 2. ASHOK MANDAL @ ASHOK PRASAD MANDAL @ ASHOK PRASAD YADAV S/O LATE HANUMAN MANDAL @ LATE HANUMAN PRASAD YADAV R/O VILLAGE- NADHI, P.S- MADHEPURA, DISTT.- MADHEPURA.
 3. NAND KISHOR MANDAL @ NAVAL KISHOR YADAV S/O LATE HANUMAN MANDAL @ LATE HANUMAN YADAV R/O VILLAGE- NADHI, P.S- MADHEPURA, DISTT.- MADHEPURA.
 4. KRITYA NAND MANDAL @ KRIT NARAYAN YADAV S/O LATE RISHAL DATTA @ LATE RISHAL DATTA YADAV R/O VILLAGE- BHANGAHA, P.S- JANKINAGAR, DISTT.- PURNEA.
 5. KRISHNA CHAND MANDAL @ KRISHNA KUMAR YADAV S/O LATE RISHAL DATTA @ LATE RISHAL DATTA YADAV R/O VILLAGE- BHANGAHA, P.S- JANKINAGAR, DISTT.- PURNEA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nazir Alam

For the Opposite Party/s : Mr. Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Nazir Alam, learned counsel for the

petitioners and Mr. Shailendra Kumar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection

with Dhamdaha P.S. Case No. 167 of 2023 registered for the

offence under Sections 147, 148, 149, 341, 427, 386, 504, 506

and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners are alleged to have assaulted the



informant after forming unlawful assembly and opened fire to spread panic and fear and they have also threatened the informant for dire consequences.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that from perusal of the F.I.R, it appears that there is admitted land dispute between the parties and on account thereof, present occurrence took place but no specific allegation of assault or any overt act is attributed to the petitioners rather general and omnibus allegation is leveled against them. He further submits that there is case and counter case between the parties.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case and the fact the petitioners are having clean antecedent and on account of admitted land dispute between the parties, present occurrence took place, coupled with the fact that the parties have lodged case and counter case against each other, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 learned Judicial Magistrate, 1st Class, Purnea in connection



with Dhamdaha P.S. Case No. 167 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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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