

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74836 of 2023

Arising Out of PS. Case No.-313 Year-2023 Thana- NAWANAGAR District- Buxar

1. Dharmendra Mushar S/O Late Mohan Mushar Resident Of Village- Maudiha, P.S.- Nawanagar, District-Buxar.
2. Tai Mushar @ Jitendra Mushar S/O Late Mohan Mushar Resident Of Village- Maudiha, P.S.- Nawanagar, District-Buxar.
3. Lal Babu Mushar S/O. Late Loha Mushar Resident Of Village- Maudiha, P.S.- Nawanagar, District-Buxar.
4. Pappu Mushar S/O Goga Mushar Resident Of Village- Maudiha, P.S.- Nawanagar, District-Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with
Nawanagar (Sonvarsa O.P.) P.S. Case No. 313 of 2023, lodged
on 03.08.2023, under Sections 147/148/149/341/323/324/ 325 /
332/333/337/307/186/427/504/ 506/353 of the I.P.C.

3. As per the prosecution, there was total 24 named
and 10 to 12 unknown accused persons are there against whom
the allegation of attacking on the police party, who reached in
the village for identification of accused.



4. Learned counsel for the petitioners submits that there is nothing specific in the FIR. All allegations are general and omnibus. The petitioners are in custody since 16.08.2023. Counsel submits that the antecedent of petitioner Nos.1, 2 and 4 are clean and there is one criminal case pending against petitioner No.3.

5. Learned counsel for the State vehemently opposes the prayer for bail and submits that it is a case in which the situation of complete lawlessness has been created by the accused persons in which two personnel of the police party were brutally injured.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Nawanagar (Sonvarsa O.P.) P.S. Case No.313/2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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