

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74838 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- KHAJAULI District- Madhubani

PAWAN MANDAL @ PAWAN KUMAR MANDAL S/O UDAY MANDAL
Resident of village- Maheshwara, P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.09.2022 in connection with Khajauli P.S. Case No. 89/2021,
F.I.R. dated 12.05.2021, for the offences punishable under
Sections 341, 323, 324, 143, 307, 504, 506 and 34 of the Indian
Penal Code.

According to prosecution case, the petitioner along
with other co-accused persons assaulted the son of the informant
namely, Sanjay Yadav by means of iron rod and farsha, as a
result of which he badly injured.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from the



bare perusal of the F.I.R. it transpires that the F.I.R. is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, the specific allegation against the petitioner and three other co-accused persons, who assaulted the son of the informant. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act against the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.09.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

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 Sri G.Shiromani, J.M. 1st, Class, Madhubani in connection with Khajauli P.S. Case No. 89/2021, 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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