

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71893 of 2022

Arising Out of PS. Case No.-195 Year-2019 Thana- JOKIHAT District- Araria

Mangal Bishwas S/o Tej Narain Bishwas R/v- Bara Wazidpur, P.S.-
Mahalgaon (Jokihat), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigendra Kumar, Advocate
For the Informant	:	Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Informant and learned APP for the State.

Petitioner seeks bail, who is in custody since 08.09.2022, in connection with Jokihat (Mahalgaon) P.S. Case No. 195 of 2019, F.I.R. dated 16.05.2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 452, 302, 504 and 506 of the Indian Penal Code.

Allegation against the petitioner is that he along with co-accused persons abused and assaulted to the informant and his son Pradip Biswas and when the informant's wife Purni Devi came and tried to save then all the accused persons badly assaulted the informant's wife by repeated blow of lathi, danda, fists and kicks due to which Purni Devi (deceased) sustained



injuries and fell down being fainted and subsequently she succumbed to injured during course of her treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that due to admitted land dispute the present occurrence had taken place. He further submits that as per F.I.R. it transpires that there is specific allegation of assault is against Baso Biswas and there is no allegation of any assault or overt act against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that co-accused namely Baso Biswas, against whom the allegation of assault, has been granted bail by a Coordinate Bench of this Court vide order dated 06.11.2019 passed in Cr. Misc. No. 48984 of 2019 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.09.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Jokihat (Mahalgaon) P.S. Case No. 195 of 2019, 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 witness, 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 antecedents, 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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