

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72571 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- CHHATAPUR District- Supaul

1. KUNDAN KUMAR @ KUNDAN KUMAR MEHTA Son of Jai Prakash Mehta Resident of Udhampur, Police Station - Chhatapur, District - Supaul.
2. Susheel Mandal Son of Lakhi Chandra Mandal Resident of Udhampur, Police Station - Chhatapur, District - Supaul.
3. Upendra Mandal Son of Jagarnath Mandal @ Jagannath Mandal Resident of Udhampur, Police Station - Chhatapur, District - Supaul.
4. Vishundev Mandal Son of Late Kanchan Mandal Resident of Udhampur, Police Station - Chhatapur, District - Supaul.
5. Samsul Safi Son of Late Alam Safi Resident of Udhampur, Police Station - Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Kumar Goutam, Adv.
For the Opposite Party/s :	Mr.Renu Kumari, APP.
	Mr. Parmeshwar Mehta, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 323,
324, 308, 504 and 506 of the Indian Penal Code.

Allegedly, petitioners along with other accused persons
armed with various weapons assaulted the informant and her
mother. They also threatened the informant of dire
consequences.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is case and counter case between the parties. The injuries sustained by the informant and his mother are simple in nature. Petitioner nos. 1, 2 and 4 have no criminal antecedent, where as petitioner no. 3 has one criminal antecedent and petitioner no.5 has two criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail submitting that petitioner nos. 1, 2, 4 & 5 have not the same criminal antecedents as mentioned in para-3 of this application and they have suppressed the fact about the criminal antecedent.

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioner no.3 and he has same criminal antecedent as mentioned in para 3 of this application, let the above named petitioner no.3, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Chhatapur P.S. Case No. 227 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As petitioner nos. 1, 2, 4 & 5 have suppressed about their criminal antecedents, I am not inclined to enlarge them on bail. The prayer for bail of petitioner nos. 1, 2, 4 & 5 is hereby rejected.

Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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