

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75943 of 2023

Arising Out of PS. Case No.-561 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Rambilash Mandal S/O Baleshwar Mandal R/O Village- Bhuwalpur, P.S-
Nathnagar, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Ashutosh Kumar, learned counsel for

the petitioner and Mr. Ahmad Ali, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Nathnagar P.S. Case No. 561 of 2023, F.I.R dated 06.07.2023 for the offences punishable under Sections 341, 323, 436, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, this petitioner who happens to be the own brother of the informant has assaulted the informant due to some monetary dispute and also put informant's shop on fire.

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



informant is the full brother of the petitioner and due to some monetary dispute, the petitioner has falsely been implicated in this case. He further submits that it appears from the F.I.R that the date of occurrence as alleged in the F.I.R is 03.07.2023 but the present F.I.R was instituted on 06.07.2023 i.e. after delay of 3 days afterthought only to falsely implicate the petitioner in the present case. He further submits that it appears from the F.I.R that the informant has not stated anywhere in the F.I.R that at what time the present occurrence has taken place.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar P.S. Case No. 561 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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