

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4987 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- GOPALPUR District- Bhagalpur

1. Versa Devi Wife Of Sri Ramesh Mandal Resident Of Village- Bochani Thokar No. 3, Ps- Gopalpur, Distt- Bhagalpur
2. Ramesh Mandal Son Of Naresh Mandal Resident Of Village- Bochani Thokar No. 3, Ps- Gopalpur, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No. 377 of 2023, F.I.R. dated 04.08.2023 for the offences punishable under Sections 341, 323, 307 and 34 of the Indian Penal Code and Section 255(1-B)a, 26, 27 and 37 of the Arms Act.

3. According to prosecution case, petitioner no.2 is said to have fired upon the brother of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that as per the



allegation in the FIR that the petitioner no.2 has fired upon the brother of the informant but neither the brother of the informant nor anyone has sustained any gunshot injury and there is no specific allegation of any assault or overt act is attributed against the petitioner no.1 and the co-accused, namely, Abhimanyu Kumar @ Mannu against whom also allegation of assault is already in judicial custody. He further submits that there is case and counter case between the parties.

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

6. Considering the aforesaid facts, the petitioners having clean antecedent and brother of the informant has received no gun shot injury, let the petitioners, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Naugachiya, Bhagalpur in connection with Gopalpur P.S. Case No. 377 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. Petitioners 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 petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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