

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22922 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- RUPAULI District- Purnia

1. Vikash Mandal @ Vikash Singh S/o Sadanand Mandal R/o vill - Jangal Tola, P.S. - Rupauli (Mohanpur O.P.), Distt. - Purnea
2. Dhuran Mandal @ Ghutan Mandal @ Chotan @ Chotan Mandal @ Chota Lal Mandal S/o Anandi Mandal R/o vill - Jangal Tola, P.S. - Rupauli (Mohanpur O.P.), Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25098 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- RUPAULI District- Purnia

Nawal Yadav S/O Kailash Yadav R/O Village- Jungal Tola, P.S- Rupauli, Distt.- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22922 of 2024)

For the Petitioner/s : Mr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 25098 of 2024)

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 09-08-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State in both cases.

2. The petitioners in both cases seek regular bail in connection with Session Trial No. 31 of 2024 arising out of Rupauli (Mohanpur) P.S. Case No. 125 of 2023 lodged on 07.05.2023 under Sections 302, 386, 120B of the Indian Penal



Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against seven named accused persons, including the present petitioners alleging therein that the accused persons, nine in number, have reached the house of the informant, surrounded his house and started demanding ransom, due to this reason scuffling started and all the accused persons assaulted the brother of the informant and fired on his thigh, as a result of which, he got injured. Subsequently, he was taken to the hospital where the doctor declared him dead.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the FIR has been lodged against nine named accused persons but there is no specific allegation against anyone. Moreover, the accusation is general and omnibus. The petitioners in Criminal Miscellaneous No. 22922 of 2024 are in custody since 20.12.2023, having no criminal antecedent and the petitioner in Criminal Miscellaneous No. 25098 of 2024 is in custody since 27.06.2023, and is accused in four more criminal cases. It is further submitted that similarly situated co-accused namely Dharmendra Harijan @ Shikri Harija @ Dharmendra Kumar Das has been granted bail by this Court



vide order dated 09.11.2023 passed in Criminal Miscellaneous No. 70718 of 2023 whereas co-accused Gabna @ Vinay Kumar Jaiswal @ Vinay Kumar Bhagat has been granted bail by a co-ordinate Bench of this Court vide order dated 13.10.2023 passed in Criminal Miscellaneous No. 65371 of 2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the case diary has been called for. In the case diary, it has come that the present accused persons were absconding and only after issuance of an order of attachment and process under Section 83, they secured their appearance. He further submits that a report with regard to the present stage of the case has also been called for.

6. Upon perusal of the report, it transpires to this Court that the charge has been framed on 29.07.2024.

7. This Court is of the view that since the charge has been framed, let the petitioners above named in both the cases be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Second Addl. Sessions Judge, Purnea/J.M. 1st Class, Purnea, in Sessions Trial No. 31/2024 arising out of Rupauli (Mohanpur) P.S. Case No. 125 of 2023, subject to the conditions as laid down under



Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailors should be the family member of the petitioners who shall provide an official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threaten the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

Ashwini/Aman/-

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