

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25547 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- BHARGAMA District- Araria

1. Sitesh Kumar Mandal Son of Nandan Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria
2. Buchay Mandal @ Bachchu Kamat Son of Late Rasik Kamat @ Rasik Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria
3. Raja Mandal @ Raj Kumar Mandal son of Mishri Lal Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria
4. Sona Mandal @ Sona Babu Son of Mishri Lal Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria
5. Ranjit Kumar @ Ranjit Mandal son of Buchay Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria
6. Mina Devi Wife of Nandan Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria
7. Rina Devi Wife of Chandrakishor Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria
8. Maini Devi Wife of Raj Kishor Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria
9. Nanaki Devi @ Sanju Devi Wife of Lalan Mandal Resident of Village- Paikpar, Ward No.-04, P.S.- Bhargama Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Ramesh Kumar Singh, learned counsel

for the petitioners as well as Ms. Sharda Kumari, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Bhargama P.S. Case No. 79 of 2023, F.I.R.



dated 22.03.2023 for the offences punishable under Sections 341, 323, 302/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have brutally assaulted the grandmother of the informant and one co-accused, namely, Nandan Mandal gave a bamboo blow on her head resulting into her death.

4. Learned counsel for the petitioners submits that petitioner nos. 4, 5 and 9 have clean antecedent and petitioner nos. 1, 2, 3, 6, 7 and 8 carries one criminal antecedent other than the present one which was filed by the mother of the informant and they have falsely been implicated in the present case. He further submits that the present F.I.R is in two parts, according to part one, there is general and omnibus allegation against all the accused persons including these petitioners and according to part two, there is specific allegation against the co-accused, namely, Nandan Mandal and there is no allegation against these petitioners. He further submits that it appears from the F.I.R itself that due to admitted land dispute between the parties, the present occurrence has taken place.

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



6. Considering the aforesaid facts and circumstances, 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 bond 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, Araria in connection with Bhargama P.S. Case No. 79 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 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 bond 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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