

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39706 of 2024

Arising Out of PS. Case No.-708 Year-2023 Thana- BELAGANJ District- Gaya

Mithlesh Kumar @ Mithlesh Manjhi S/O Nagendra Manjhi R/O Village-
Fatehpur Bhuitoli, P.S- Belaganj, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Surendra Kumar Singh, learned counsel

for the petitioner and Mr. Satya Nand Shukla, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Belaganj P.S. Case No. 708 of 2023, F.I.R. dated 30.10.2023 for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 341, 504 and 379 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons is said to have entered into the house of the informant and assaulted him and his family members.

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 due to



admitted land dispute the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that from a bare perusal of the FIR it appears that although the petitioner is named in the FIR but there is no specific allegation of any assault or overt act attributed against the petitioner rather general and omnibus allegation against all the accused persons including the petitioner. He further submits that although five persons were injured in the present occurrence from the informant's side but the injury report of the injured persons suggests that the injuries are simple in nature caused by hard and blunt substance.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner, 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, Gaya in connection with Belaganj P.S. Case No. 708 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)

ajay/-

U		T	
---	--	---	--

