

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46774 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- BARDAHA District- Araria

Baldev Mandal S/O Nirdhan Mandal R/O Village-Sainik chowk,Biri (Benga).
ward no 06, PS - Bardaha,Distt-Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Priyadarshi

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bardaha P.S. Case No. 02/2024 registered for
the offence punishable under Sections 147, 148, 341, 323, 324,
326, 504, 506 of the Indian Penal Code.

3. Allegedly, while the son of the informant proceeded
for nature call and in the meantime all the F.I.R. named accused
persons including the petitioner on account of old enmity caught
hold of the victim and brutally assaulted. It is further alleged
that the accused persons severed his private part due to which he
sustained injuries.

4. Learned Advocate for the petitioner contended that
in fact the truth of the case is otherwise there is counter version



of the present case being Bardaha P.S. Case No. 03/2024 instituted by the co-accused X. The copy of which has been brought as Annexure 2. The allegation against the son of the informant is that he used to misbehave with the victim due to which all the family members and the villagers caught hold him and assaulted. It is further contended that even as per the allegation made in the F.I.R. no specific allegation has been attributed against the petitioner. The petitioner is a senior citizen and only because of he being Karta of family his name has been implicated in this case without there being any allegation. It is lastly contended that the petitioner bears fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that a serious allegation has been levelled against all the accused persons.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the case and counter case, coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with



Bardaha P.S. Case No. 02/2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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