

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58721 of 2024

Arising Out of PS. Case No.-71 Year-2021 Thana- TARABARI District- Araria

Mangla @ Md. Mangla son of Taslim Village- Jhamta Ps- Tarabari Dist-
Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2024 Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioner and Mr. Tapeswar Sharma, learned APP for
the State.

2. The petitioner is apprehending his arrest in connection with Tarabari P.S. Case No. 71 of 2021, F.I.R. dated 04.06.2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 448, 380, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with 36 named accused persons and 100 unknown persons came at the house of the informant having with deadly weapon and looted the house of the informant and also assaulted him due to which he sustained injuries.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the F.I.R. has been instituted against 36 named persons and 100 unknown persons and also from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the other co-accused persons namely Nabi Hasan, Md. Ansar @ Asnsar, Md. Ata Hussain and others have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 03.07.2023 passed in Cr. Misc. No. 21997 of 2023, another co-accused persons namely Md. Tabarak, Md. Mister and others have been granted the privilege of anticipatory bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No. 17908 of 2024 respectively.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and there is no specific allegation of any assault or overt act attributed against the petitioner as well as other co-accused persons have been granted the privilege of anticipatory bail by



this Court and by a Coordinate Bench of this Court, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria in connection with Tarabari P.S. Case No. 71 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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)

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