

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71489 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- RUPAULI District- Purnia

-
1. Balesar Mandal @ Baleshwar Mandl Son Of Bharat Mandal Resident Of Village- Dibu Tola, Rampur Parihat, Ajokopa, Ps- Rupauli, Dist- Purnea
 2. Sunita Devi Wife Of Baleshwar Mandal @ Balesar Mandal Resident Of Village- Dibu Tola, Rampur Parihat, Ajokopa, Ps- Rupauli, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Advocate
For the State	:	Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Bijendra Kumar Singh, learned counsel
for the petitioners and Mr. Kalyan Shankar, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rupauli P.S. Case No. 11 of 2023, F.I.R. dated 10.01.2023 for the offences punishable under Sections 144, 327, 307 and 120(B) of the Indian Penal Code.

3. According to prosecution case, due to land dispute two miscreants are said to have fired upon the son of the informant due to which he sustained injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioner



no.1 is the full brother of the informant and petitioner no.2 is the sister-in-law of the informant. He further submits that the informant is not the eye witness of the present occurrence and on the basis of the suspicion the petitioners have been made accused in the present case due to land dispute the present occurrence has taken place. He further submits that co-accused persons, namely, Arun Kumar Mandal @ Arun Mandal and Bipin Thakur @ Bipin Kumar Thankur have been granted anticipatory bail by this Hon'ble Court vide order dated 08.11.2023 passed in Cr. Misc. No. 55280 of 2023.

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 bonds 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, Purnea in connection with Rupauli P.S. Case No. 11 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 bonds 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)

ajay/-

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

