

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84305 of 2023**

Arising Out of PS. Case No.-187 Year-2023 Thana- BIRAUL District-
Darbhanga

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1. MINU KUMARI D/o Mr. Vishwanath Mandal @ Vishwanath Prasad Mandal R/o Village-Supaul, P.S-Biraul, District-Darbhangha.
 2. Khush Kumar Mandal @ Khush Babu Mandal S/o Mr. Vishwanath Mandal @ Vishwanath Prasad Mandal R/o Village-Supaul, P.S-Biraul, District-Darbhangha.
 3. Vishwanath Mandal @ Vishwanath Prasad Mandal S/o Laxmi Mandal R/o Village-Supaul, P.S-Biraul, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Purushottam Kumar, Adv.
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 18-01-2024

Heard Mr. Ajay Kumar Thakur, learned counsel for the
petitioners and Mr. Jai Narain Thakur, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Biraul P.S. Case No. 187 of 2013 dated 06.05.2023 registered
for the offence under Sections 302 and 34 of the Indian Penal
Code.

The petitioners along with others are alleged to have
assaulted the father of the informant with lathi on head and using
fasuli on the neck due to which her father sustained injury and
became unconscious and thereafter the accused persons have



committed loot in the shop of the informant.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that from bare perusal of the F.I.R., it appears that no specific allegation of assault or any overt act is attributed to the petitioners rather there is general and omnibus allegation leveled against the accused persons including the petitioners. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 16.04.2023 whereas the instant F.I.R. has been lodged on 06.05.2023 after the death of father of the informant.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 learned Chief Judicial Magistrate, Biraul, Darbhanga in connection with Biraul P.S. Case No. 187 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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