

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85824 of 2023

Arising Out of PS. Case No.-282 Year-2023 Thana- MADHEPURA District- Madhepura

Mithilesh Kumar Marbal Son Of Nand Kishore Prasad Yadav, Resident Of
Village - Bhawanipur, Ward No.06, P.S. - Singheshwar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeeb Kumar Sanju, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Sanjeeb Kumar Sanju, the learned
counsel for the petitioner and Mr. Narsingh Tanti, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Madhepura PS Case No. 282 of 2023, FIR
dated 18.03.2023, registered for the offences punishable under
Sections 341, 342, 323, 379, 384, 385, 504 and 506 read with
Section 34 of the Indian Penal Code.

3. According to prosecution case, when the informant,
who is a promoter of Alex Company, along with a colleague
went to the shop of one Nilkamal, who runs the franchise of
Alex Company, for promoting Nilkamal, the person Nilkamal
refused to sell the medicine of such company and demanded his
deposited dealership money amounting to Rs. 8,44,000/-



(Rupees eight lakhs and forty-four thousand) from the informant. It is further alleged that during argumentation, Nilkamal became furious and abused both the informant and his colleague and later on other FIR named accused persons also misbehaved, assaulted and confined them. It is further alleged that the accused persons transferred Rs. 5,500/- (rupees fifty-five hundred) and again Rs. 3,000/- (rupees three thousand) from the informant and his colleague's mobile and forcibly took their signatures on a stamp-paper and also forcibly took the signature of the informant upon three blank cheques. It is lastly alleged that the accused persons threatened the informant and his colleague with dire consequences, if Nilkamal's franchise money of Rs. 8,44,000/- is not returned by the Company.

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 upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the co-accused persons namely, Nilkamal @ Neelkamal and Ranvijay Kumar have been granted bail anticipatory bail by a co-ordinate



Bench of this Court vide order dated 06.09.2023 passed in Cr. Misc. No. 45959 of 2023, likewise, co-accused persons namely, Anil Kumar Yadav and Raunak Kumar have also been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.11.2023 passed in Cr. Misc. No. 69941 of 2023.

5. The 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, there is no specific allegation of any assault or overt act attributed against him and other similarly situated co-accused persons have been granted anticipatory bail by different Benches of this Court, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Madhepura, where the case is pending in connection with **Madhepura PS Case No. 282 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:



(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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