

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33549 of 2025

Arising Out of PS. Case No.-77 Year-2023 Thana- BANDHUWA KURAWA District- Banka

1. Krishan Kumar Mandal S/o Late Dhaneshwar Mandal R/o Village- Ward No 3 Madhopur, PS- Bandhua Kuraba, District- Banka
2. Punita Devi W/o Pappu Mandal R/o Village- Ward No 3 Madhopur, PS- Bandhua Kuraba, District- Banka
3. Jairam Mandal S/o Pudim Mandal R/o Village- Ward No 3 Madhopur, PS- Bandhua Kuraba, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s	:	Mr. Md. Iftekhhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioners and Mr. Md. Iftekhhar Mahmood,
learned Additional Public Prosecutor for the State.

2. Learned Senior counsel for the petitioners seek
permission to withdraw this application with respect to
petitioner no. 1, namely, Krishan Kumar Mandal.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as
withdrawn with respect to petitioner no. 1, namely, Krishan
Kumar Mandal.

5. The petitioner nos. 2 and 3 are apprehending their
arrest in connection with Bandhua Kuraba P.S. Case No. 77 of



2023, F.I.R. dated 30.08.2023 for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.

6. According to prosecution case, on 26.08.2023, the petitioners were ploughing the land of the informant. When the informant objected, the petitioners abused him. During the altercation, Krishan Kumar Mandal allegedly struck the informant's brother on the head with a spade, while petitioner no. 2 allegedly assaulted the informant with a *lathi*, causing injuries.

7. Learned counsel for the petitioners submits that the petitioners have clean antecedent. Although, the petitioners are named in the F.I.R. but there is no specific allegation of any assault or over act attributed against both the petitioners. The specific allegation of assault is attributed against co-accused person, Krishan Kumar Mandal and there is case and counter case.

8. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts, the petitioners have clean antecedent, there is no specific allegation of any



assault or over act attributed against both the petitioners and there is case and counter case, let the petitioner nos. 2 and 3, above named, in the event of their 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Banka in connection with Bandhua Kuraba P.S. Case No. 77 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner nos. 2 and 3 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 cancelled by the Court below.

ii. If the petitioner nos. 2 and 3 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 court below shall



verify the criminal antecedent of the petitioner nos. 2 and 3 and in case at any stage it is found that the petitioner nos. 2 and 3 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 2 and 3. 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)

Neha/-

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

