

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33539 of 2025

Arising Out of PS. Case No.-26 Year-2024 Thana- MOHANPUR District- Jamui

1. Kapildeo @ Kapil Mandal @ Kapildeo Mandal S/O Late Rameshwar Mandal R/o- Vill- Jinhara, PS- Mohanpur, Dist.- Jamui
2. Rajiv Kumar S/O Kapildev Mandal R/o- Vill- Jinhara, PS- Mohanpur, Dist.- Jamui
3. Rajesh Kumar S/O Kapildev Mandal R/o- Vill- Jinhara, PS- Mohanpur, Dist.- Jamui
4. Baby Devi W/O Kapildev Mandal R/o- Vill- Jinhara, PS- Mohanpur, Dist.- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ankita Kumari, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Ms. Ankita Kumari, learned counsel for the petitioners and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mohanpur P.S. Case No. 26 of 2024, F.I.R. dated 14.11.2024 for the offences punishable under Sections 191(2), 190, 329(4), 126(2), 115(2), 352, 351, 109 of Bharatiya Nyay Sanhita, 2023 and Section 3/4 of Diaan Act.

3. According to prosecution case, the informant alleged that when she was in her house, the petitioners along with other accused persons arrived and started abusing. It is further alleged that they assaulted the informant and her family members.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties. Although the petitioners are named in the FIR but it appears from the FIR that there is specific allegation against petitioner no.1 and 3 that they assaulted the daughter of the informant and she received injury but her injury report suggest that injury is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner nos.1 and 2 have one criminal antecedent other than the present one and in which they are on bail and petitioner nos. 3 and 4 have clean antecedent.

6. Considering the aforesaid facts and circumstances, there is case and counter case and the injury sustained by the injured person is simple in nature, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-V, Jamui in connection with Mohanpur P.S. Case No. 26 of 2024, 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. 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 cancelled by the Court below.

ii. If the petitioners 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 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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