

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72672 of 2024

Arising Out of PS. Case No.-310 Year-2024 Thana- SULTANGANJ District- Bhagalpur

1. Mukesh Kumar Son of Nand Kishor Mandal Resident of Village- Kamarganj, P.S.- Stultanganj, Distt.- Bhagalpur
2. Nitesh Kumar Son of Nand Kishor mandal Resident of Village- Kamarganj, P.S.- Stultanganj, Distt.- Bhagalpur
3. Raja Kumar Son of Late Prabhas Prakash Mandal Resident of Village- Kamarganj, P.S.- Stultanganj, Distt.- Bhagalpur
4. Viaksh Kumar Son of Nand Kishor Mandal Resident of Village- Kamarganj, P.S.- Stultanganj, Distt.- Bhagalpur
5. Amarjeet Kumar @ Mandal Son of Nand Kishor Mandal Resident of Village- Kamarganj, P.S.- Stultanganj, Distt.- Bhagalpur
6. Nand Kishor Mandal Son of Lt. Medni Mandal Resident of Village- Kamarganj, P.S.- Stultanganj, Distt.- Bhagalpur
7. Diwana Kumar @ Mandal @ Diwana Mandal Son of Lt. Mendi Mandal Resident of Village- Kamarganj, P.S.- Stultanganj, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Swapnil Kumar Singh, learned counsel
for the petitioners and Dr. Mrityunjaya Kr. Gautam, learned APP
for the State.

2. Vide order dated 21.10.2024, it appears that the
bail application of petitioner no. 1 has already been withdrawn.

3. The petitioners (except petitioner no. 1) are
apprehending their arrest in connection with Sultanganj P.S.



Case No. 310 of 2024, F.I.R. dated 04.07.2024 registered for the offences punishable under Sections 127(1), 115(2), 109, 3(5) of BNSS.

4. Allegation against the petitioners is that they along with other co-accused persons assaulted the informant with lathi and danda due to which he sustained head injury and blood oozed out.

5. Learned counsel for the petitioners (except petitioner no.1) submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the present occurrence had taken place due to admitted land dispute between the parties and both the parties are agnates to each other. There is case and counter case between the parties and it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against the petitioners including these petitioners.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no. 1).

7. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act



against these petitioners rather there is general and omnibus allegation against all the accused persons and the occurrence had taken place due to admitted land dispute, let the petitioners (except petitioner no. 1), 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bhagalpur in connection with Sultanganj P.S. Case No. 310 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners (except petitioner no. 1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no. 1) tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no. 1) and in case at any stage, it is found that the petitioners (except petitioner no. 1) has concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no. 1). 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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