

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32059 of 2026

Arising Out of PS. Case No.-170 Year-2023 Thana- BEERPUR District- Begusarai

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Mukesh Kumar Nirala S/o Rajendra Mahto Resident of village - Birpur Bazar
West, Ward No. 12, PS - Birpur, District - Begusarai... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
For the Opposite Party/s : Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2026 Heard Mr. Abhay Shanker Singh, learned counsel for

the petitioner and Md. Matloob Rab, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Birpur P.S. Case No. 170 of 2023, F.I.R. dated 27.09.2023 for the offences punishable under Sections 147, 149, 341, 323, 379, 307, 504 and 506 of the IPC and later on Section 302 of IPC was also added.

3. According to prosecution case, all the accused persons armed with *lathi* and *danda* have brutally assaulted the informant and his family members due to which the informant side have received injuries.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that although the petitioner was present at the place of occurrence but



there is no specific allegation of assault against the petitioner rather the same is against the co-accused Rahul Kumar and Kailash Sah. Apart from that, the police have submitted final form in favour of the petitioner but the learned court below in a mechanical manner has taken cognizance against the petitioner on 15.01.2026. He further submits that the similarly situated co-accused, namely, Bikash Kumar @ Bikash Kumar Chaudhary has been granted anticipatory bail by this Court vide order dated 31.01.2024 passed in Cr. Misc. No. 2147 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that petitioner has clean antecedent, there is no specific allegation against this petitioner and police have submitted final form in favour of the petitioner but the learned court below in a mechanical manner has taken cognizance against the petitioner, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai in connection with Birpur P.S. Case No. 170 of 2023, subject to the conditions as laid down under Section 438(2)



of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below 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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