

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3919 of 2016

Arising Out of PS.Case No. -590 Year- 2015 Thana -BARAHAT District- BANKA

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1. Dinesh Mandal, Son of Late Makeswar Mandal, resident of village-Simaria Kajigad, P.S. Barahat, District- Banka..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Manoj Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 18-03-2016 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Barahat P.S. Case No. 590 of 2015 registered for the offences punishable under Sections 392/411 of the Indian Penal Code and Sections 25(1-b), 26/35 of the Arms Act.

Allegedly, when the informant was returning from Godda after collecting dues amount and reached at Panjwara Bheda More, two persons on one motorcycle came there and looted Rs. 42,850/-, mobile and diary at the point of pistol and knife. Due to alarm being raised, the villagers as well as Police reached and after chase the petitioner was caught and from his possession amount of Rs. 7270/-, part of looted amount, and looted mobile were recovered besides knife and one live cartridge, whereas another co-accused succeeded in fleeing away by riding motorcycle.

Submission is of false implication and that the petitioner has

been made victim of circumstances, the amount recovered is not the looted amount rather it was of the petitioner, the cartridge without firearm is useless and as such the petitioner deserves sympathetic consideration to which learned APP opposes.

In the facts and circumstances stated above, the petitioner above named shall be released on bail **after completing nine months in custody from the date of his remand** on execution of 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, Banka in connection with Barahat P.S. Case No. 590 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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