

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42370 of 2016

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Raj Kumar Mandal Son of Late Phudi Mandal, Resident of village -
Tenuahi, P.S. Ladaniya, District - Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.45578 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -HARLAKHI District- MADHUBANI

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Rafid Nadaf Son of Faudar Nadaf, resident of Village- Baira Parsa, P.S.-
Jainagar, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.42370 of 2016)

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

(In Cr.Misc. No.45578 of 2016)

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 29-11-2016 Heard learned counsel for the Petitioners and the State.

The Petitioners seek bail in Harlakhi P.S. case No.59 of
2016 instituted for the offence under Sections 395, 397 of the
Indian Penal Code as well as Sections 34 of the Explosive
Substance Act and Section 27 of the Arms Act, pending in the
court of Sub Divisional Judicial Magistrate, Benipatti, District



Madhubani.

The prosecution case, in brief, is that on the alleged date and time of occurrence the informant and his wife were sleeping inside the room, all of sudden 5-7 unknown persons entered into his house and committed dacoity and took away cash, jewellery and articles. They also exploded bomb.

It has been submitted on behalf of the petitioners that the petitioner Raj Kumar Mandal is in custody since 10.5.2016 and petitioner Rafid Nadaf is in custody since 29.4.2016. Charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners are not named in the F.I.R. The petitioners have not been put on Test Identification Parade. There is no recovery of any incriminating article from the possession of the petitioners. Except for the confessional statement of the co-accused there is no substantive evidence to suggest their implication in the present case.

On behalf of the State, it is submitted that though the petitioners are not named in the F.I.R., the petitioner Raj Kumar Mandal has got seven cases pending against him and as far as petitioner Rafid Nadaf is concerned there are twelve cases



pending against him. In social interest, it would not be proper to grant them bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners. The same is rejected.

(Sudhir Singh, J)

Narendra/-

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