

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47945 of 2015

Arising Out of PS.Case No. -44 Year- 2015 Thana -BANKA District- BANKA

1. Yogendra Sah Son of Ram Sah, Resident of Village - Riga, P.S. - Banka,
District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.49260 of 2015

Arising Out of PS.Case No. -44 Year- 2015 Thana -BANKA District- BANKA

1. Angad Mandal Son of Bateshwar mandal
2. Bateshwar Mandal Son of late Chaurashi Mandal Both are Resident of
Village- Bijay Nagar P.s+ District Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.47945 of 2015)

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

(In Cr.Misc. No.49260 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sharda Kumari(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 14-01-2016 Both the criminal miscellaneous applications are of
the same occurrence and, as such, have been heard together and
are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Banka P.S. Case No. 44 of 2015 registered for the offences punishable under Sections 395, 397 and 412 of the Indian Penal Code and Section 3 and 4 Explosive Substance Act.

Allegedly dacoity was committed in State Bank of India, Dudhari Branch, Banka and the miscreants looted away cash of Rs. 11,84,196/- (eleven lac eighty four thousand and one hundred ninety six only) after causing fire arm injury to several bank employees and also by exploding bomb. During investigation on the basis of information furnished by spy, raid was conducted in the house of Bateshwar Mandal and from possession of Angad Mandal, Bateshwar Mandal and other co-accused, part of the looted amount was recovered with arms and ammunitions and further the petitioner Angad Mandal confessed his guilt stating the name of other co-accused including the petitioner Yogendra Sah.

Submission is of false implication and that from possession of Yogendra Sah nothing has been recovered. His house was also raided but nothing was recovered and only on the basis of confessional statement of co-accused Angad Mandal, he is suffering in custody since 15.06.2015.

On behalf of petitioners Angad Mandal and Bateshwar Mandal, it has been submitted that recovered amount was paid to



Bateshwar Mandal in compensation as the lands were acquired by railway authority vide Annexure-2 series and, as such, they also deserve bail as they are in custody since 19.02.2015, to which the learned A.P.P. opposes by submitting that the recovered amount was put on TIP and the bank staff has identified the same and further fresh notes were also of the said branch of S.B.I., which is evident from report of the Chest Manager dated 04.04.2015.

In the facts and circumstances stated above, considering that from possession of petitioner Yogendra Sah nothing has been recovered and his name has come in the confessional statement of co-accused Angad Mandal, he has not been put on TIP and, as such, the petitioner above named is directed to be released on bail 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 C.J.M., Banka arising out of Banka P.S. Case No. 44 of 2015 subject to the conditions that one of the bailors must be 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.

However, considering the alleged recovery from possession of petitioners Angad Mandal and Bateshwar Mandal and further that the recovered amount has been identified in T.I.P. and, as such, this Court is not inclined to enlarge the petitioners on bail and accordingly, their such prayer stands rejected.

However, considering the detention of the petitioners, the trial court is directed to expedite the trial and conclude the same within six months.

(Jitendra Mohan Sharma, J)

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