

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40733 of 2017

Arising Out of PS.Case No. -277 Year- 2016 Thana -JAGDISHPUR District- BHAGALPUR

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1. Suman Mandal, Son of Nakul Mandal, Resident of Village- Ghoraha,
P.S.- Goradih, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.02.2017 in connection with Jagdishpur P.S. Case No. 277/2016
for offences punishable under Sections 457 and 380 of the Indian
Penal Code. Later on Section 411 of the IPC has been added.

The prosecution case, as lodged by the priest of the
temple, is that when he came to the temple he found the lock
broken and the idol of Lord Radha Krishna was found missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and his name surfaced on his own extra judicial



confessional statement, which has no evidentiary value in the eye of law. He submits that nothing has been recovered from his conscious possession as the idol of Lord Radha Krishna was recovered from the house of one Nakul Mandal. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Jagdishpur P.S. Case No. 277/16, G.R. No. 3923/16, subject to the conditions that:

- (1) Both the bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.



(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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