

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28146 of 2017

Arising Out of PS.Case No. -168 Year- 2016 Thana -UDAKISHANGANJ District- MADHEPURA

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Bhushan Mandal, son of Late Narayan Mandal, resident of Village- Khawan
Diyara, Ward No.04, P.S.- Alam Nagar, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.12.2016 in connection with Udakishunganj P.S. Case No. 168
of 2016 for offences punishable under Sections 399, 402 of the
Indian Penal Code and Section 25 (1-B)a, 26, 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that a veteran criminal, the
petitioner, has assembled along with other criminals for planning
major criminal act, the police proceeded and apprehended the
petitioner Bhushan Mandal along with five others and from the
possession of the petitioner one country made pistol loaded, along



with 12 live cartridges and some cash were recovered. Accordingly, the seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, and has been falsely implicated in the aforesaid case and no overt act has been committed by him and simply because he has a criminal antecedent, he has been made accused in the present case by the police. He submits that charge-sheet has already been submitted and there is no allegation of tampering of prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is involved in two more cases one of similar nature.

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 S.D.J.M., UdaKishunganj Madhepura in connection with UdaKishunganj P.S. Case No. 168 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/



court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that 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)

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