

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10698 of 2019

Arising Out of P.S. Case No.-69 Year-2018 Thana- TARAPUR District- Munger

RAMBILASH MANDAL @ AWADHESH MANDAL, aged about 45 years,
Male, Son of Murari Mandal, Resident of Village- Siyadih (Dhanuk Tola),
P.S.- Bath. Dist- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Yadav, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody after
remand from 25.10.2018 in connection with Tarapur P.S.Case
No.69 of 2018, GR No.1432 of 2018 for the offence alleged
under Section 379 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that he along with his nephew had gone to the market and
parked his motorcycle but on returning, he found his motorcycle
missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the FIR and his
name surfaced on the confessional statement of co-accused in



Tarapur P.S.Case No.144 of 2018 and he has been remanded in the present case and also made accused in Tarapur P.S.Case No.74 of 2018 and Tarapur P.S.Case No.144 of 2018 for similar offence. He further submits that the confessional statement of the co-accused in another case before the police has no evidentiary value in the eye of law and that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Tarapur P.S.Case No.69 of 2018 corresponding to GR No.1432 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Munger, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) 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.

(iii) 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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