

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25750 of 2019

Arising Out of PS. Case No.-18 Year-2018 Thana- NTPC District- Bhagalpur

SANJAY MANDAL, aged about 38 years, Male, Son of Budhu Mandal
Resident of Village - Sakhua, P.S.- Sanhoula, Distt – Bhagalpur
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Davendra Kumar Pandey, Adv.

For the Opposite Party : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 30-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
19.07.2018 in connection with N.T.P.C. P.S. Case No. 18 of
2018 for the offences alleged under Sections 457, 380 and 411
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had gone out of his house and on return he found
the door of his house broken and large number of gold, silver
and diamond jewelry as well as lap-top, induction heater, blue
tooth speaker, television and other house hold items had been
stolen.

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 only on the confessional statement
of the co-accused and his own extra judicial confessional



statement before the police, which have no evidentiary value in the eye of law. He, further, submits that some of the co-accused, whose name surfaced during investigation have already been granted the privilege of pre-arrest bail and regular bail by coordinate Benches of this Court in Cr. Misc. No. 46871 of 2018, dated 08.08.2018, Cr. Misc. No. 71202 of 2018, dated 10.12.2018 and Cr. Misc. No. 11327 of 2019, dated 25.02.2019. He submits that no recovery has been made from his house or from his conscious possession and charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses/evidence and he is languishing in judicial custody since more than nine months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases are pending against him although the petitioner submits that Kahalgaon P.S. Case No. 3 of 2018 is not pending against the petitioner, which has wrongly been stated in the impugned order.

Considering the nature of allegations, the period of custody and the other accused have been enlarged on bail, 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 N.T.P.C. P.S. Case No. 18 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, VII, Bhagalpur, or the successor Court, 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) 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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