

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38606 of 2019**

Arising Out of PS. Case No.-170 Year-2012 Thana- ARIYARI District-
Sheikhpura

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NIRODH MANDAL, aged about 32 years, male, Son of Rajendra Mandal
Resident of Village - Afni, P.S. - Ariyari (Kasar), Dist. - Sheikhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ramji Kumar, Advcate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 420/120(B) and 34 of the Indian Penal
Code and Section 47(A) of the Excise Act registered in connection
with Excise Case No. 490 of 2017 arising out of Ariyari (Kasar)
P.S. Case No. 170 of 2012.

3. It is submitted that the petitioner has been falsely
implicated merely on the basis of the confessional statements of
co-accused Jitendra Kumar, Sanjay Kumar and Md. Aslam. It is
stated that no recovery of any incriminating materials has been
made from the possession of the petitioner. Statement is made at
the Bar that subsequently cognizance has been taken against the
petitioner in the case. It is further submitted that penal sections
of the IPC are not attracted in this case. Similarly situated
accused persons have been granted bail by this Court in Cr. Misc.
No. 49934 of 2012, Cr. Misc. No. 45787 of 2013, Cr. Misc. No.
47095 of 2015, Cr. Misc. No. 12447 of 2019 and Cr. Misc. No.



36365 of 2019. The petitioner is accused in one prior case of different nature.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Court of Sheikhpura cum A.D.J. II, Sheikhpura, in connection with Excise Case No. 490 of 2017 arising out of Ariyari (Kasar) P.S. Case No. 170 of 2012, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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