

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78261 of 2019

Arising Out of PS. Case No.-19 Year-2012 Thana- PIRI BAZAR District- Lakhisarai

Bipin Kumar @ Bipin Mandal, Son of Shivdani Mandal, Resident of Village-
Bodh Nagar, Police Station- Ramgarh Chowk, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Sen Prasad Singh, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 05.07.2018 in connection with Sessions Trial No.1006 of 2013 arising out of Piri Bazar P.S. Case No.19 of 2012 registered for the offence under Sections 364A and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., but under the mistaken impression that he is one of the named accused in the seizure list, who was apprehended from the spot where the boy was recovered, the petitioner has been taken into custody. Learned counsel for the petitioner submits that the person Bipin Mandal, named in the F.I.R. and the seizure list, is the son of one Vakil Mandal and thus, it is a case of mistaken identity and



the present petitioner is the son of Shivdani Mandal and, therefore, the learned court below has clearly erred in assuming that he was recovered from the place of occurrence. Learned counsel for the petitioner further submits that even assuming and not conceding that the petitioner was arrested from the place of occurrence, even then other co-accused so similarly arrested, namely, Sanjay Mandal son of Wakil Mandal has since been extended the privilege of regular bail in Cr.Misc. No.14310 of 2013 vide order dated 15.05.2013. It is further submitted that one Rakesh Kumar, who was also named by the victim, has been extended the privilege of regular bail in Cr.Misc. No.41432 of 2012 vide order dated 21.03.2013. Moreover, one Ranjan @ Abhay @ Ranjan Yadav @ Abhay Yadav @ Abhinandan Yadav, son of Upendra Yadav, has also been granted bail on 24.06.2015 in Cr.Misc. No.32363 of 2014. He thus submits that the petitioner may also be extended the privilege of bail.

Having heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State, it appears that the implication of the present petitioner is an error which has been overlooked by the learned court below. Moreover, the main accused Kamal Nayan @ Rupesh Sharma



@ Raj Singh, who has been named in the statement recorded under Section 164 Cr.P.C., has also been extended the privilege of regular bail in Cr.Misc.No.25873 of 2012 vide order dated 25.09.2012.

As such, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned F.T.C. 1st, Lakhisarai, District-Lakhisarai, in connection with Sessions Trial No.1006 of 2013 arising out of Piri Bazar P.S. Case No.19 of 2012, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate 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.

(Anjana Mishra, J)

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