

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12223 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- BIHARIGANJ District- Madhepura

Dhruv Kumar Mandal @ Dhruv Mandal @ Uday Kumar aged about 22 years
S/O Rajendra Mandal R/O Village - Sinduwari, P.S. - Gwalpara, District -
Madhepura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rupesh Kumar, Advocate
For the Opposite Party : Dr. Indivar Kumari A.P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-06-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 395 of the Indian Penal Code.

As per the prosecution case, all the five named accused persons including the petitioner and three unknown accused persons, riding on three motorcycles, surrounded the informant and took away cash Rs.1500/-, mobile phone and motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only because of his criminal antecedent. Petitioner has been named in the case by the villagers who have not seen the occurrence. No incriminating material has been recovered from the conscious possession of the petitioner. Test



Identification Parade has not been carried out till date. He is in custody since 18.5.2020. Charge sheet has already been submitted. Similarly situated co-accused have already been allowed bail by the Court below itself as stated in paragraph 14 of the bail petition.

Considering the rival submissions of the parties, materials available on the record and the fact that no incriminating material has been recovered from the conscious possession of the petitioner and Test Identification Parade has not been carried out till date, let the petitioner, mentioned above, 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 Additional Chief Judicial Magistrate, Udakishunganj, Madhepura in Bihariganj Police Station Case No. 33 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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