

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29552 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- BAHADURGANJ District- Kishanganj

SANTOSH KUMAR @ SANTOSH KUMAR MANDAL Son of Sagar Mandal Resident of Village - Bahadurganj, P.S.- Bahadurganj in the district of Kishanganj.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Bahadurganj P.S. Case No. 337 of 2020 registered for the offences punishable under Sections 399, 402 of the I.P.C. and Sections 25(1-b)a, 26, 35 of the Arms Act.

On secret information that some miscreants had assembled to commit crime, raid was conducted and from possession of this petitioner, one mobile phone was recovered. It is also alleged that one motorcycle was recovered from the khatal of father of the petitioner.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Only on the basis of suspicion petitioner has been arrested. No incriminating article has been recovered from conscious possession of the petitioner. The seized motorcycle also does not belong to the petitioner. Petitioner is in custody since 14.11.2020. Learned counsel further submits that co-accused Ram Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 13.08.2021 passed in Cr. Misc. No. 30181 of 2021. Similarly, co-accused Sanket Kumar @ Golu has been granted bail by a co-ordinate Bench of this court vide order dated 29.07.2021 passed in Cr. Misc. No. 26433 of 2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 337 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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