

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36205 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- TARABARI District- Araria

RAJ KUMAR MANDAL Son of Geni lal Mandal Resident of Village -
Kachmoh, ward no-5, P.S.- Palasi, Distt.- Araria.(Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Kumar Shekhar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Tarabari P.S. Case No. 61 of 2020 registered for the offence under Sections 379, 413, 414 and 34 of the Indian Penal Code.

The case relates to theft of motorcycle.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner is nowhere in the F.I.R. but on the basis of disclosure made by Binod Mandal and Ritesh Mandal, who are neither the co-accused nor



they are of prosecution party, this petitioner has been made accused in this case. Neither anything incriminating has been recovered from the possession of the petitioner nor the petitioner has been put on T.I.P. till date. Mere on the basis of suspicion, the petitioner has been apprehended in this case. Moreover several co-accused, namely, Arvind Mandal @ Arvind Kr Mandal, Manoj Choudhary and Sattan @ Sattan Sharma @ Sataya Narayan Sharma @ Satya Narayan, having more or less similar allegations have been granted bail by the co-ordinate Benches of this Court vide order dated 26.03.2021, 15.04.2021 and 09.04.2021 passed in Cr. Misc. No. 4995 of 2021, Cr. Misc. No. 6318 of 2021 and Cr. Misc. No. 3857 of 2021, respectively. The petitioner is rotting in judicial custody since 07.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Araria in connection with Tarabari P.S. Case No. 61 of 2020 with 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 canceled 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.

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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