

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51065 of 2021

Arising Out of PS. Case No.-262 Year-2019 Thana- RAGHOPUR District- Supaul

RAHUL KUMAR MANDAL S/o Indra Narayan Mandal R/o village- Basaha
(Ward No. 06), P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-11-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 181 of 2020, arising out of Raghapur Police Station Case No. 262 of 2019, registered for the offences punishable under Sections 399/402/353/307/414 of the Indian Penal Code and Sections 25(1-b)a/26/ 27/35 of the Arms Act.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 19.10.2020, passed in Criminal Misc. No. 23029 of 2020, giving liberty to the petitioner to renew his prayer for bail after nine months from the date of the order, if the trial does not record any progress.



The allegation, as per the First Information Report, is that the Police Party got information that some miscreants, who were involved in gold loot of Muthoot Finance of Hajipur branch, were hiding in the house of Chulhai Sharma @ Gulab Sharma of village Hulas, proceeded towards the place of occurrence and conducted raid in that house and after seeing the Police Party, all the miscreants, opened 35-40 rounds fire upon the Police Party. In return, the Police also fired 41 rounds upon the miscreants. However, some of the miscreants succeeded in fleeing away, but the Police party arrested three accused persons including petitioner and from possession of the petitioner, one country made loaded pistol, one Android Mobile Phone of Redme MI company and Rs.5,000/- cash have been recovered. It has further been alleged that on query, petitioner disclosed that recovered Glamour Motorcycle was looted by co-accused Mukul Rai, Fuddan @ Vishal and Amod Kumar, on gun point. It has further been alleged that the petitioner disclosed that on 08.12.2019 he has committed loot of Rs.16,000/- along with one Redme MI Mobile at Babhani Petrol Pump, on gun point, with the aid of other miscreants, which have been recovered from his possession. It has also been alleged in the First Information Report that on 08.12.2019 also they have committed loot in the



area of Pipri P.S. and today also they assembled to commit loot.

Learned Counsel for the petitioner submits that only charges have been framed against the petitioner and other co-accused persons and no prosecution witness has yet been examined. He next submits that the trial is not likely to be concluded in near future and the petitioner is in custody since 11.12.2019. He further submits that co-accused Chulhai Sharma @ Gulab Sharma has been granted bail by co-ordinate Bench of this Court, vide order, dated 13.10.2020, passed in Criminal Misc. No. 26074 of 2020.

Regards being had to be submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner has remained in custody since 11.12.2019, trial is not likely to be concluded in near future, similarly situated co-accused person has been granted bail by this Court and this is second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, Supaul, in connection



with Sessions Trial No. 181 of 2020, arising out of Raghapur Police Station Case No. 262 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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