

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39383 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- BALUA BAZAR District- Supaul

1. RAJESH KUMAR MANDAL Son of Harilal Mandal R/o Village- Bishanpur Shivram, Ward No.07, P.S.- Balua Bazar, Distt- Supaul.
2. MD. SABBIR S/o Hazi Abdul Hasan R/o Village- Lalpurgot, P.S.- Birpur, Distt- Supaul

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sevak Chaudhary, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-03-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Balua Bazar PS Case No. 58 of 2020 registered under Sections 379/34 and 411 of the IPC.

Prosecution case is that the informant's tempo has been taken away by unknown persons.

Learned Counsel for the petitioners submits that being Scrap Dealer, petitioner No. 1 was in bonafide possession of the tempo. Petitioner No. 2, it is submitted by the learned Counsel, has falsely been implicated in this case on the basis of his confessional statement and he denies and disputes recovery of the engine of the stolen tempo from his possession. Petitioner No. 2 is stated to be a man of clean antecedent. Petitioner No. 1, Counsel for the petitioners submits, has been implicated in one more case after institution of the present case



and therefore has no prior antecedent. The petitioners are in custody since 23.8.2020 and still they have not been put on T. I. Parade though witnesses have stated that they have seen the accused.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Supaul in Balua Bazar PS Case No. 58 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

