

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39147 of 2020

Arising Out of PS. Case No.-326 Year-2020 Thana- PARBATTa District- Khagaria

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BINAY MANDAL SON OF SAGAR MANDAL, RESIDENT OF
VILLAGE- NAYAGAON GODIYASHI, P.S.- PARBATTa, DISTRICT-
KHAGARIA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-02-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the stamp reporter within

four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr.

Bisheshwar Ram, learned A.P.P. for the State.

The petitioner in the present case is seeking regular

bail in connection with Parbatta P.S. Case No. 326 of 2020

registered for the offences punishable under Section 379 of the

Indian Penal Code.

Learned counsel for the petitioner submits that the

informant in her written report alleged that her bike has been

stolen away by the petitioner and two others.

Learned counsel submits that the petitioner has been



falsely implicated in this case on the basis of land dispute and nothing has been received from his conscious possession. It is submitted that the petitioner has no criminal antecedent and he is in judicial custody since 29.08.2020.

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

Having regard to the facts and circumstances of the case wherein the petitioner has remained in jail for about six months, investigation against him is complete and prior to the present case he had clean antecedent as stated in paragraph '3' of the present application, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-1st Khagaria in connection with Parbatta P.S. Case No. 326 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

