

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10500 of 2021**

Arising Out of PS. Case No.-13 Year-2020 Thana- GWALPARA District- Madhepura

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DHRUV KUMAR MANDAL @ DHRUV MANDAL @ UDAY KUMAR,
S/o Rajendra Mandal, R/o Village- Sinduwari, P.S.- Gwalpara, District-
Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Bakshi S.R.P. Sinha, Sr. Advocate Mr. Rupesh Kumar, Advocate
For the Opposite Party/s	:	Ms. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-08-2021 Learned Senior Counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four weeks

after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and Ms.

Sharda Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Gwalpara P.S. Case No. 13 of 2020 registered for the

offence punishable under Section 392 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that

the F.I.R. is against unknown, the petitioner has not been put on Test

Identification Parade and no incriminating article has been recovered

from the possession of the petitioner.

It is further stated that the co-accused Raushan Kumar has

been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 27017 of 2020 (Annexure '2').

Learned Senior Counsel has further explained the criminal antecedents of the petitioner. It is submitted that in four cases stated in paragraph '3' which were lodged by the agnates on account of partition of land dispute, the petitioner has been granted bail. As regards the other cases from Sl. no. (V) to Sl. no. (XI) prayer for bail of the petitioner is pending. At this stage learned Senior Counsel submits that in the cases mentioned in Sl. No. (V) to Sl. no. (XI) also in four cases the petitioner has been granted bail.

Ms. Sharda Kumari, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein there is no eye witness to the alleged occurrence and the petitioner has neither been put on T.I.P. nor any incriminating article has been recovered from his possession and at the same time the co-accused similarly situated has been granted bail by a learned coordinate Bench of this Court, the petitioner has remained in custody for about one and half years, this Court directs release of the petitioner above named 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 A.C.J.M.-II, Udakishunganj, Madhepura in connection with Gwalpara P.S. Case No. 13 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.

(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'.