

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8103 of 2022

Arising Out of PS. Case No.-568 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

Jay Prakash Mandal @ Jay Prakash Singh Son Of Gaibi Prasad Singh
Resident Of Digghi Sahjadpur, Nathnagar (CHHOTI Digghi), P.S.-
Masudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal
For the State : Mr. Anant kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Kotwali (Tilkamanjhi) P.S. Case No. 568 of 2021
registered for the alleged offences under Sections 395 and 412 of
the Indian Penal Code.

As per prosecution case, the *dacoity* was committed in
the house of the informant and the *dacoit* took away a large
number of jewellery items along with Rupees One and Half
lakh. The name of the petitioner came up during the



investigation as one of the co-accused persons on the basis of confessional statement of co-accused.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name came up in the confessional statement of co-accused Rajan Kumar who is on inimical terms with the petitioner. No looted articles has been recovered from the possession of the petitioner. Recovery of motorcycle and mobile phone has been from bushes behind the house of this petitioner so it can be said that no recovery has been made from conscious possession of the petitioner. The petitioner has not been put to TIP though the informant claims she could identify the criminals on seeing them. The petitioner is member of Panchayat Committee. Charge sheet has been submitted in this case and the petitioner is in custody since 16.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner and other co-accused person entered into the house of the informant and committed *dacoity*.

Having regard to the submission made hereinabove and considering the fact that nothing has been recovered from the possession of the petitioner and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on



bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 568 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

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

