

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9082 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- MANSAHI District- Katihar

Mithun Poddar @ Mithun Kumar Poddar Son Of Anil Poddar Resident of
Village- Tingahiya, P.S.- Katihar, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the Opposite Party/s : Mr. Suresh Prasad Sing, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in connection with Mansahi
P.S. case no. 98 of 2021 registered for the offence punishable
under Section 392 of the Indian Penal Code.

As per allegation, three accused persons came at the
petrol pump and asked the informant, who worked as a nosal man
at the said petrol pump, to fill petrol and when the informant
demanded money then one of the accused persons took out a pistol
and snatched Rs. 8,000/- cash from the informant and thereafter,
the accused fled away from the alleged place and thereafter the
informant reached the police station to file complaint, where he



found one of the accused named Vikash Kumar being present who revealed the involvement of himself in the alleged loot and also revealed the name of this petitioner and co-accused persons.

The main submissions advanced by Mr. Shivendra Prasad, learned counsel for the petitioner are that it is admitted position that the petitioner was not arrested at the alleged place of occurrence and his name surfaced in the statement of co-accused Vikash Kumar and as per prosecution he is alleged to have possessed 11 live bullets of a pistol for which an other P.S case no. 97 of 2021 was lodged in which the petitioner has been granted bail and he has also got bail in other P.S cases of which details is mentioned in paragraph no. 3 of the petition as his criminal antecedent.

Mr. Suresh Prasad Singh, learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR and case diary. Admittedly, the petitioner was not arrested at the alleged place of occurrence and his name surfaced in the statement of co-accused Vikash Kumar, though the petitioner was arrested with 11 bullets of pistol regarding which an other P.S case was lodged and he is on bail in said case as per petitioner's counsel. Moreover the case diary goes to show that investigation in the present case in respect of petitioner has been completed and the prosecution case



is mainly based on the statement of co-accused regarding the involvement of the petitioner in the alleged crime. Accordingly, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Mansahi P.S. case No. 98 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

siddharthkr/-

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

