

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50434 of 2021

Arising Out of PS. Case No.-230 Year-2021 Thana- AMARPUR District- Banka

Neeraj Mandal @ Niraj Kumar Son Of Pappu Mandal Resident Of Village -
Lahauriya, P.S.- Rajoun, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11848 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- AMARPUR District- Banka

Sanjay Mandal Son Of Shambhu Mandal Resident Of Village- Bhadariya,
Police Station- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50434 of 2021)

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Gauri Shankar Gupta

(In CRIMINAL MISCELLANEOUS No. 11848 of 2022)

For the Petitioner/s : Mr.Balram Kapri

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 08-08-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

With the consent of the parties both the bail
applications arise out of the same police station are being heard



together and being disposed of by this common order.

Petitioners seek bail in a case registered in connection with Amarpur P.S.Case No. 230 of 2021 for the offences punishable under Sections 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 19.05.2021, while the informant was going to village after withdrawing Rs 2 lac from the UCO Bank, in the meantime two miscreants riding on a motorcycle intercepted him and looted his bag containing Rs. 2 lac and mobile on the point of pistol.

Learned counsel for the petitioners submits that the FIR has been instituted against two unknown persons however, during the course of investigation, the name of the petitioners have been disclosed by the spy of the police and thereafter, it has come that the informant has also identified both the persons. It is further submitted that after being disclosed the name of the petitioners by the spy, both the petitioners have been apprehended and the self confession of the petitioner Neeraj Kumar was recorded by the police. It is further submitted that from the FIR, it is evident that both the miscreants were covering their faces with mask and the informant could not identify the miscreants because of their covered faces. It is next submitted that both the petitioners have languishing in jail



custody since 23.05.2021 and 26.12.2021 respectively,

On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits that they have been identified by the informant and during the course of investigation ample material has come which suggest the complicity of the petitioners in the crime.

Having heard the rival contentions of the parties and taking into consideration the fact that FIR has been instituted against unknown persons and the name of the petitioners have come on the disclosure made by the spy and identification made by the informant appears to be not trustworthy because informant himself specifically stated that the miscreants were covered their faces with mask and moreover, petitioners having fair antecedent and are in custody since 23.05.2021 and 26.12.2021 respectively, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with in connection with Amarpur P.S. Case No. 230 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-



(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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