

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14970 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- KISHUNPUR District- Supaul

1. VIJAY KUMAR MANDAL, Son of Suryanarayan Mandal Resident of Village - Kulipatti, Ward no.01, P.s.- Kishanpur, Distt.- Supaul.
2. Vijay Kumar Son of Late Nasiblal Mandal Resident of Village - Kulipatti, Ward no.01, P.s.- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun
For the Opposite Party/s	:	Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Kishanpur P.S. Case No. 226 of 2021, registered for the offences punishable under Sections 399 and 402 of the IPC.

As per allegation, on secret information that some people are making preparation for committing dacoity, police searched a white Swift car standing near the Chandpipra toll tax and arrested the petitioners and their associates. It is also alleged that some incriminating articles were also recovered from the possession of the petitioners and their asso-



ciates.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the petitioners have been arrested merely on suspicion. He further submits that the petitioners have no criminal antecedents. The suspicion of the police that the petitioners were going to commit dacoity is totally baseless. Moreover, no arms have been recovered from the conscious possession of the petitioners, because alleged recovery of one arm is made from one Gajendra Kumar.

The petitioners are in custody since 13.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances,



the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 226 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petition-



ers after hearing him and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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