

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16734 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

DILIP KUMAR MANDAL SON OF ARJUN MANDAL Resident of Village
- Bariyarpur, P.s.- Piri Bazar, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 147, 148, 149, 307, 333, 353 of the Indian Penal Code and Section 25(1-A), 26 and 27 of the Arms Act, and Sections 3,4 and 5 of the Explosive Substance Act and Sections 16, 18, 20 and 23 of U.A.P. Act.

According to the prosecution, the son of the informant is said to have been abducted by the 15-20 Maoists and on protest made by the informant and police party they opened fire upon prosecution party. It is further submitted that during course of search operation, a dead body was found in the orchard of Dhanik Bind along with A.K. 47 and 7.62 mm live cartridges. The said dead body was identified by the Chaukidar as a Hardcore



Naxal, namley, Pramod Kora.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that no cogent material has surfaced against the petitioner during course of investigation. He further submits that petitioner is nowhere related to any antisocial group. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 07.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail **after framing of charge** on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Piri Bazar P.S. Case No. 163 of 2021 with 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



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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