

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26963 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- GWALPARA District- Madhepura

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DHRUV KUMAR MANDAL @ DHRUV MANDAL @ UDAY KUMAR
S/O RAJENDRA MANDAL RESIDENT OF VILLAGE SINDUWARI, PS
GWALPARA DISTRICT MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Prasad, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 06.02.2020, seeks
regular bail in connection with Gwalpara P.S. Case No. 17 of
2020 registered for offences punishable under Section 399, 402,
414 of the Indian Penal Code and Section 25(1-b)a, 26/35 of the
Arms Act.

Prosecution case, in brief, is that the petitioner and the
other co-accused persons were arrested while making
preparation for committing dacoity. From the possession of the
petitioner, a country-made pistol is said to have been recovered.



Learned counsel appearing on behalf of the petitioner submits that the earlier cases in which the petitioner has been made accused, he has been granted bail in most of the cases. Only because past antecedents, he has been made accused in the present case. He further submits that motorcycle bearing Registration No. BR-43R-8976 which has been recovered in the present case is of some other person.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that nothing has been stated in the case diary about the owner of the said motorcycle as to whether after recovery of the said motorcycle the same has been handed over to the concerned aggrieved person. He further submits that petitioner is history-sheeter and it appears that the said motorcycle is the stolen one and complicity of the petitioner in the present case cannot be ruled out as such the petitioner does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case as well as period of custody, the Court below is directed to obtain a report with respect to the recovered motorcycle from the District Transport Officer, Madhepura as well as antecedent report separately with respect to the



petitioner who has three names Dhruv Kumar Mandal @ Dhruv Mandal @ Uday Kumar, report should specifically give details as to how many cases is registered in the name of Dhruv Kumar Mandal @ Dhruv Mandal @ Uday Kumar and upon being satisfied, the number of cases as stated in paragraph no. 3 of the present bail application, no other case is pending against him, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - II, Udakishunganj, District-Madhepura in connection with Gwalpara P.S. Case No. 17 of 2020 with a condition that he will tender his attendance daily at 9 a.m. in the morning before the concerned Police Station and the S.H.O. of the said Police Station is directed to submit monthly report of attendance to the S.P., having jurisdiction and on any single default of attendance, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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