

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36188 of 2021**

Arising Out of PS. Case No.-63 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

Akshay Mandal S/o Late Munna Mandal Resident of Village - Mirachak, P.S.
- Industrial Area, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Industrial Area P.S. Case No. 63 of 2019 registered for the offences punishable under Sections 394, 412 of the Indian Penal Code.

According to prosecution case, the informant alleging therein that the accused persons stopped Mini DCM of the informant and broke the glass of the vehicle and after opening the door assaulted the informant and looted Rs.17,000/- and one Lava mobile.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the possession of the co-accused namely Mithun Mandal and Vikas Kumar. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.05.2019.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bhagalpur in connection with Industrial Area P.S. Case No. 63 of 2019, subject to 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 absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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