

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28359 of 2022**

Arising Out of PS. Case No.-191 Year-2017 Thana- BANKA District- Banka

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Gyandip Mandal @ Gyan Deep Mandal, Son of Vijay Mandal, Resident of
Village- Jitarpur, Police Station- Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Murlidhar, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 06-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Praveen Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Banka P.S. Case No. 191 of 2017 registered for
the offences under Sections 147, 149, 431, 438, 427, 307 of the
Indian Penal Code.

As per the allegation made in the F.I.R. that 400-500
people assembled in order to protest an accident due to which a
girl student was crushed to death by a truck. It is further
submitted that unknown persons started pelting stones and also
resorted arson to truck and caused damage to other articles.



Learned counsel for the petitioner submits that with regard to a single occurrence, five different F.I.R. have been instituted, as has been mentioned in paragraph no. 3 of the bail application. He next submits that the petitioner is neither named in the F.I.R. nor any specific allegation has been levelled against any of the accused persons, including the petitioner. He next submits that the petitioner has been remanded in this case on 02.04.2022 and since then he is in custody, but neither any Test Identification Parade has been conducted nor any incriminating material has been recovered from the person or possession of this petitioner. He also submits that considering this aspect of the matter, in all the cases, bail has been granted to the petitioner by different co-ordinate Benches of this Court. He lastly submits that the petitioner is a student, perusing his Law course.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the general and ominous nature of allegation, as also the fact that the petitioner has never been put on Test Identification Parade and in other cases, he has already been granted bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in



connection with Banka P.S. Case No. 191 of 2017 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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