

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28741 of 2022

Arising Out of PS. Case No.-295 Year-2020 Thana- FALKA District- Katihar

PINKA MANDAL S/o Gopal Mandal Resident of Malharia, P.S.- Falka
(Pothia), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Arun Kumar Mandal, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Falka (Pothia) P. S. Case No. 295 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant was returning, two co-accused persons on the point of pistol snatched cash of Rs. 1,50,000/- and fled away.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession and in spite of being in custody since 07.03.2021, he has not been put on Test Identification Parade. It is next submitted that in fact, during the course of investigation, the petitioner was apprehended in another case and thereafter, he has been remanded in this case after recording his self confession, which is not admissible in eyes of law. It is last submitted that another accused person, having identical allegation has already been granted bail by learned coordinate Bench of this court in Cr. Misc. No. 66778 of 2021 vide order dated 26.04.2022.

On the other hand, learned APP for the State opposes the bail application and submits that petitioner is named in eleven other criminal cases.

Regard being had to the submissions made on behalf of the parties and taking into account absence of any recovery from the person or possession of the petitioner and his period of custody, apart from the fact that other co-accused person has already been granted bail by learned coordinate Bench of this Court and moreover, the antecedent of a person



cannot be sole ground to keep him behind the bar, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -I, Katihar, District-Katihar in connection with Falka (Pothia) P. S. Case No. 295 of 2020, 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 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 step for cancelling 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.

(Harish Kumar, J)

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