

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32452 of 2022

Arising Out of PS. Case No.-470 Year-2019 Thana- FALKA District- Katihar

PINKA MANDAL Son of Gopal Mandal Resident of Village - Malharia, P.s.-
Falka (Pothia), Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para-1 of the petition during
course of the day.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Falka
P.S. Case No. 470 of 2019 corresponding to Sessions Trial No.
251 of 2021 registered for the offences punishable under
Sections 413, 414 of the IPC and Sections 25(1-b)a, 26, 35 of
the Arms Act.

As per prosecution case, on 20.12.2019 while the
police got secret information that some accused persons were



going on motorcycle, proceeded towards the place of occurrence and intercepted one motorcycle along with two persons, out of them one person succeeded in fleeing away and the police apprehended the other accused person who disclosed his name as Md. Wasik and also disclosed the name of his accomplice as Pinka Mandal who is present petitioner. The police seized the motorcycle from the possession of co-accused Md. Wasik and also recovered one country made pistol, one live cartridge, one small Nokia mobile set, one iron rinch and one iron tool used in breaking the lock of motorcycle.

Learned counsel for the petitioner submits that petitioner is in custody since 11.12.2020 and bears criminal antecedent of eleven cases which are more or less of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from possession of the petitioner. Name of petitioner has been surfaced on the basis of confessional statement of co-accused Md. Wasik and except the aforesaid confessional statement, nothing is found against the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody which is near about one year nine month, nature of allegation, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Katihar in connection with Falka P.S. Case No. 470 of 2019 corresponding to Sessions Trial No. 251 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.



(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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