

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34591 of 2022

Arising Out of PS. Case No.-427 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

RAJU MANDAL @ IRSHAD ALAM SON OF MD. ABUL HASSAN
Resident of Nayagaon, Police Station- Desari, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-09-2022 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
Hajipur Sadar P.S. Case No. 427 of 2021 registered for the
offences punishable under Sections 392 of the Indian Penal
Code and added Section 395 of the Indian Penal Code.

As per prosecution case, two unknown persons
showing fear of pistol looted Rs. 50,000/-, one mobile with sim
card, purse, ATM Card, PAN card, Aadhar Card, Voter Id Card
and motorcycle from the informant and fled away.

Learned counsel for the petitioner submits that
petitioner is in jail since 18.09.2021 and remanded in this case



on 21.10.2021, though the impugned order indicates that the petitioner is in custody since 18.09.2021. Petitioner bears two criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that no incriminating material has been recovered from the conscious possession of the petitioner. Petitioner is not named in the F.I.R. and the name of present petitioner has been surfaced on the statement of co-accused Sanjay Kumar Paswan which is also indicted in impugned order that the co-accused confessed that the petitioner has also participated in the said occurrence. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No T.I.P. has been made as yet.

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 as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted 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 on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 427 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.

(Alok Kumar Pandey, J)

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