

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38349 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- JADIA District- Supaul

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Mohan Mandal S/o Sitaram Mandal R/o village- Banmankhi, Darjitola, Ward
No. 10, P.S.- Banmankhi, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jadia P.S.
Case No. 261 of 2021 registered for the offence under Sections
461 and 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.01.2022.



The allegation against the petitioner is to commit theft in the jewellery shop of the informant, after making entry through vent.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case on the basis of secret input provided by local spy, without having any basis of implication. It is submitted that alleged recovered jewellery from the possession of the petitioner has not been put on T.I.P. for identification. It is further submitted that petitioner has also not been put on T.I.P., as yet, in the circumstances, when informant is the eye witness of the occurrence, further creates a doubt over the entire allegation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as alleged recovered jewellery and also the petitioner has not been put on T.I.P., as yet, to connect the petitioner with the present allegation/occurrence coupled with the fact that



petitioner is a man of clean antecedent, where chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jadia P.S. Case No. 261 of 2021 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-V, Supaul/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Punam Devi, who is the wife of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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