

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38061 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

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Anup Kumar Mandal @ Anup Mandal Son Of Nand Kishor Mandal @ Nand Kumar Mandal R/O Village- Brahampur, P.S.- Manigachhi, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-09-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is in judicial custody in connection with Pandaul P.S. Case No. 55 of 2022 corresponding to G.R. No. 465 of 2022 for the offences under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a/26/35 of Arms Act.

As per the prosecution story, the police upon information, intercepted the accused persons and it is alleged that altogether 11 persons were arrested and three motorcycles recovered/seized. So far as this petitioner is concerned, it is alleged that Rs. 3 thousand as also a mobile were



recovered/seized.

Learned counsel for the petitioner submits that nothing stated in the FIR constitute any criminal offence and presence of Rs. 3000/- and mobile which were his personal property and it is not the case of the police that it was stolen. His last submission is that only because he has criminal antecedent, is in custody since 28.3.2022 and one of the co-accused namely Guddu Bhandari has since been released on bail vide Cr. Misc. No. 39111 of 2022 on 5.9.2022 by a coordinate bench of this Court.

Learned counsel for the State, on the other hand, submits that presence of three motorcycles and 11 accused persons clearly show that they had assembled to give a big colour to any robbery/assault.

Considering the fact that he is in custody since 28.3.2022, recovery is of Rs. 3000/- and a mobile, charge-sheet stands submitted and one of the co-accused has been released on bail as stated above, this Court is inclined to grant him the privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



like amount each to the satisfaction of learned C.J.M., Madhubani, in connection with Pandaul P.S. Case No. 55 of 2022 corresponding to G.R. No. 465 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall leave the district of Madhubani for a period of two month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (of his residence) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;



(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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