

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39150 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

CHHOTU MANDAL @ AMAN KUMAR MANDAL Son of Late Yugal
Mandal @ Yugal Kishore Mandal Resident of Village - Naya Tola Argara
Chowk, P.S. and District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing in view of the
COVID 19.

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 Muffasil P.S. Case No. 109 of 2021 for the offences under
Section 392 of the Indian Penal Code.

As per the prosecution story, the informant along with
others were going to deposit the collected cash of Rs. 4,79,000/-
to main branch at Katihar. Meanwhile, three miscreants riding
on motorcycle intercepted them and on point of arms, they took
away the the bag of the informant containing cash and some



other important documents.

Learned counsel for the petitioner submits that his name has come up in the confessional statement of Sanoj Kumar Paswan. He was taken into custody on 20.7.2021 since then he is in jail. It is his further submission that the said Sanoj Kumar Paswan has since been released on bail vide Cr. Misc. No. 56217 of 2021 on 7.12.2021 by a coordinate bench of this Court.

Learned APP, on the other hand, opposes the bail and submitted that it is a case of loot and he has criminal antecedent, he does not deserve sympathy.

Considering the fact that the name of the petitioner has come during the course of investigation on the basis of confessional statement of Sanoj Kumar Paswan who has since been granted bail as stated above, is in custody since 20.7.2021, charge-sheet stands submitted, ultimately he has to face the trial, this Court is inclined to grant him the privilege of bail after framing of the charges with strict conditions in view of the fact that he has number of criminal cases under his belt.

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 Chief Judicial



Magistrate, Katihar, in connection with Katihar Muffasil P.S.

Case No. 109 of 2021 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his/her district(Katihar) for a period of three months(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 (where he/she will stay) 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 to mark attendance;

(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 the 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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