

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41232 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- NATHNAGAR District- Bhagalpur

1. Randheer Mandal Son of Vijay Mandal @ Vijay Singh Resident of Village - Dighi Purbi Tola , P.O.- Shahzadpur, P.s.- Madhusudanpur (Nathnagar), Distt.- Bhagalpur.
2. Pankaj Mandal Son of Vijay Mandal @ Vijay Singh Resident of Village - Dighi Purbi Tola , P.O.- Shahzadpur, P.s.- Madhusudanpur (Nathnagar), Distt.- Bhagalpur.
3. Sati Anshuiya Devi W/o Vijay Mandal @ Vijay Singh Resident of Village - Dighi Purbi Tola , P.O.- Shahzadpur, P.s.- Madhusudanpur (Nathnagar), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State in Virtual Court proceeding.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379, 504 and 34 of the Indian Penal Code.

As per prosecution case, in brief, is that on 24.05.2021 in night when informant parked his bike Hero Splendor Plus in front of his door and on the next day he found that the bike was



missing. In course of search informant's brother Raju Mandal inform the informant that about 3:00 a.m. accused persons were taking away his bike and when informant complained about it all the accused persons started abusing him.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the present F.I.R. has been instituted only to harass the petitioners. He further submits that there is no recovery of stolen bike from the possession of the petitioners and in fact the informant had made accused the mother of the petitioner nos. 1 and 2 and also there is no eye witness to the alleged occurrence and only on the basis of suspicion the petitioners have been falsely implicated in the present case by the informant .

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with nathnagar (Madhusudanpur) P.S. Case No. 312 of 2021,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

