

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.51293 of 2021**

Arising Out of PS. Case No.-464 Year-2019 Thana- FALKA District- Katihar

PINKA MANDAL Son of Gopal Mandal Resident of Malharia, P.S.- Falka  
(Pothia), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arun Kumar Mandal, Adv

For the Opposite Party/s : Mr.Anand Kishore Chaudhary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      30-03-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

On 11.12.2019 the informant was going to Goriyar from Purnea with the motorcycle of his cousin brother and when he went some distance ahead from Dumar chowk towards Pothia P.S. in Katihar district and in the meantime three unknown miscreants on Apache motorcycle being blue colour and they overtook the motorcycle of informant and while on gun



point they looted the motorcycle possessing by the informant.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of confessional statement of co-accused, namely, Md. Mustaq. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from possession of the petitioner rather the recovery has been made from co-accused, namely, Md. Mustaq. He further submits that the police, after investigation, submitted chargesheet against the petitioner 31.01.2021 and the petitioner is in custody since 11.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Falka (Pothia) Police Station Case No.464 of 2019, with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)**

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