

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43362 of 2022

Arising Out of PS. Case No.-257 Year-2021 Thana- SHAHKUND District- Bhagalpur

Raj Kishore Mandal @ Jay Kishore Mandal, S/O Sikandar Mandal, Resident
of village- Kodra Bhatta, P.S.- Akbarnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Pravina Kumari, Advocate
		Mr. Bijendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-08-2022 This matter has been taken up for out of turn hearing on mentioning slip being moved on behalf of the petitioner that the petitioner is in custody since 03.02.2022. But it has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 18.05.2022, but father of the petitioner is seriously ill, so the matter may be taken up for hearing.

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

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in



connection with Shahkund P.S. Case No. 257 of 2021 registered for the alleged offences under Sections 379/34 of the Indian Penal Code.

As per the prosecution case, the tractor of the informant was stolen by unknown thieves and later on it came to the knowledge of the informant that brother-in-law of this petitioner has stolen the tractor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR itself, it is clear that no offence under Section 379 IPC is made out against the petitioner though there is specific allegation against the brother-in-law of the petitioner. The petitioner is an accused in another case in which he is on bail. The petitioner is in custody since 18.05.2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the lack of material against this petitioner who has been arraigned in this case without any specific allegation, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd, Bhagalpur in connection with Shahkund P.S. Case No. 257 of 2021, subject to the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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