

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45384 of 2022

Arising Out of PS. Case No.-212 Year-2018 Thana- CHAUSA District- Madhepura

1. MUKESH KUMAR S/o Gajo Mandal Resident of village - Chansuri Tola, P.S.- Chousa, District - Madhepura.
2. Balo Paswan S/o Dhiro Paswan Resident of village - Chansuri Tola, P.S.- Chousa, District - Madhepura.
3. Kanhai Mandal S/o Janardan Mandal Resident of village - Chansuri Tola, P.S.- Chousa, District - Madhepura.
4. Mithu Rai S/o Banty Rai Resident of village - Chansuri Tola, P.S.- Chousa, District - Madhepura.
5. Sant Lal Rai S/o Bhudeo Ray Resident of village - Chansuri Tola, P.S.- Chousa, District - Madhepura.
6. Indal Kumar S/o Arvind Ray Resident of village - Chansuri Tola, P.S.- Chousa, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nawjot Yeshee
	:	Mr.Alok Kumar Singh
	:	Mr.Kishan Kumar
For the Opposite Party/s :	:	Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Chousa P.S. Case No. 212/2018 registered for the offences punishable under Sections 392, 34 of the Indian Penal Code.

As per prosecution case, while the informant was returning from motorcycle, the accused persons intercepted him



and snatched mobiles alongwith cash amount and fled away. FIR against unknown.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the FIR. The name of petitioners transpired in this case on the basis of confessional statement of co-accused, Baubi Mandal @ Devendra Mandal. The petitioners are languishing in custody since 09.06.2022 and bear no criminal antecedent. No incriminating article has been recovered from the conscious possession or the house of the petitioners. He further submits that petitioners have not put on T.I. Parade till date. The petitioners have neither concerned with the co-accused, Baubi Mandal @ Devendra Mandal nor other co-accused persons in the present case. The said co-accused who confessed the name of petitioners and from whose possession looted mobiles were recovered, has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.13319/2019 and the case of present petitioners stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, petitioners are not named in the FIR, argument advanced on behalf of both sides and keeping in view clean



antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Madhepura in connection with Chousa P.S. Case No. 212/2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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