

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46728 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MANIGACHI District- Darbhanga

Anup Kumar Mandal, Son Of Nand Kshore Mandal @ Nand Kumar Mandal
R/O Brahmpur, P.S.- Manigachi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Manigachi P.S. Case No. 18 of 2022 registered
for the alleged offences under Section 392 of the Indian Penal
Code.

As per prosecution case, the informant and his father
were robbed by three miscreants of their motorcycle and cash of
Rs. 1,00,000/- . They also took away the mobile phone of the
informant along with the accounts register of the shop of the
informant.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner has not been put to any Test Identification Parade. The name of the petitioner came up in this case on the basis of confessional statement of co-accused Prince Kumar Paswan who has been granted bail by a Coordinate Bench vide Cr. Misc. No. 46318 of 2022. Other two co-accused namely Chandan Kumar Mahto and Md. Tanweer has been granted bail vide Cr. Misc. No. 45675 of 2022 and Cr. Misc. No. 49824 of 2022, respectively. Charge sheet has been submitted in this case and the petitioner is in custody since 09.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent and is accused in three cases.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner who was not put to any Test Identification Parade and further considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named 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 A.C.J.M-V, Darbhanga in connection with Manigachi P.S. Case No. 18 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

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