

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59474 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- FALKA District- Katihar

Upendra Mandal @ Upendar Mandal, Son Of Bhetan Mandal Resident Of
Village - Ismailpur, P.S.- Bhawanipur (Akbarpur Op), District - Purnea.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-04-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 394 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 21.07.2021, he is a person with clean
antecedent and charge-sheet has been submitted in this case.

The learned counsel for the petitioner further submits that
the informant alleges that she along with her son were returning
home on an auto rickshaw of Vijay Kumar Mandal (co-accused), who
on the way called the miscreants by his cell phone. There after two
accused came and looted the informant of Rs.2,00,000/- and snatched
the mobile of her son.

The learned counsel for the petitioner submits that
petitioner has been falsely implicated despite being in custody. He



was not put on T.I.P., nor any recovery was made and after framing of charge, the trial commenced and three prosecution witnesses have been examined viz. the informant, her son Sudhir and one Sarpanch. The learned counsel submits that in the trial, the informant and her son have not identified the petitioner.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and the informant and her son have not identified the petitioner in the trial, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees 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 (Pothiya) P. S. Case No.239 of 2020.

However, the petitioner shall be released only if the learned Court below after going through the prosecution evidence of the informant and her son comes to a conclusion that the petitioner was not identified by them.

The application stands allowed.

(Satyavrat Verma, J)

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