

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64792 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- RAUTARA District- Katihar

Pinka Mandal @ Pinku Mandal @ Parveen Mandal, Son of Gopal Mandal,
Resident of Malharia, Police Station - Falka (Pothia), District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-08-2022 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 Rautara P.S. Case No. 39 of 2020 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, two miscreants looted the motorcycle of informant along with his mobile phone, ATM cards, Aadhar Card and cash amount of Rs.1200/-. The name of the petitioner transpired as one of the accused persons during investigation.

The learned counsel for the petitioner submits that



except for suspicion, there is nothing against this petitioner. No recovery has been made from his conscious possession and or at his instance. Till date no Test Identification Parade has been conducted. The charge-sheet has been submitted in this case. Except for confessional statement of co-accused, who disclosed the complicity of this petitioner, there is nothing against this petitioner. Petitioner is in custody since 27.01.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in number of similar cases.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of parties and considering the fact that no recovery has been made from this petitioner or at his instance and further considering his period of custody and submission of charge-sheet in this case, 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 Chief Judicial Magistrate, Katihar in connection with Rautara P.S. Case No. 39 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 Saraswati Devi, wife of the petitioner, who has sworn the affidavit in this case.

(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)

prabhakar/-

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