

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64942 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- BARARI District- Katihar

PINKA 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.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-08-2022 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 Barari P.S. Case No. 231 of 2020 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, three persons on a motorcycle overtook the motorcycle of the informant and on gun point, they demanded money from the informant and tried to open the *dicky* in which money was kept. They were not successful in opening the *dicky* and they pushed down the informant and took away the motorcycle and fled away from the spot. The name of the



petitioner transpired as one of the accused persons during investigation.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and nothing incriminating has been recovered from his person or possession. No Test Identification Parade has been conducted by the police to ascertain the identity of the accused persons. No recovery has been made from this petitioner. The petitioner has been named in this case in the confessional statement of co-accused Kavi Paswan and there is nothing against this petitioner except suspicion. There is no chance of tampering the evidence. Charge sheet has been submitted in this case and the petitioner is in custody since 15.02.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and a large number of cases are pending against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the absence of recovery from this petitioner and his period of custody along with submission of charge sheet against him, 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, Katihar in connection with Barari P.S. Case No. 231



of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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)

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