

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66688 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- BELSAND District- Sitamarhi

1. Rahul Mandal, age about 25 years (M)
2. Raushan Mandal, aged about 28(M), Both S/O of Umesh Mandal, Resident of Village- Basaul Ward No 4, P.S- Belsand, Dist- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-05-2022 Let the supplementary affidavit filed today be taken on the record.

Heard learned counsel for the petitioners and Mr. Nagendra Prasad, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Belsand P.S. Case No. 54 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code. They are in custody since 27.07.2021 having one criminal antecedent as stated in paragraph ‘3’ of the application.

Learned counsel for the petitioner submits that as per the prosecution story, the informant, who was working in one micro finance company, was coming after collection of payment of Rs. 33,480/-. It is alleged that three persons came and they



have snatched away the amount. The informant claimed that he can identify the miscreants.

Learned counsel for the petitioners submits that the F.I.R. is against unknown and both the petitioners have been taken on remand in the present case from the case in which they were arrested. In those cases the petitioners have been granted bail.

Learned counsel for the petitioners further submits that neither any incriminating material has been recovered from the petitioner nor the petitioners have been put on Test Identification Parade as a result whereof except the confessional statement of the petitioners there is no other material to connect them with this case.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but the submissions advanced on behalf of the petitioners has remain uncontroverted.

Having regard to the submissions noted above and the materials available on the record from which it appears that the F.I.R. is against unknown and the specific statement of the petitioners showing that neither any incriminating material has been recovered from his possession nor they have been identified,



this Court directs release of the petitioners above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Sitamarhi in connection with Belsand P.S. Case No. 54 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

