

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.1196 of 2022**

Arising Out of PS. Case No.-136 Year-2021 Thana- FALKA District- Katihar

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Lalit Kumar Mandal, S/o Bhim Mandal, Resident of Village - Mohjan, P.S. -
Falka, District - Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and

Mr.Madan Kumar learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Falka (Pothia) P.S. Case No.136 of 2021

registered for the offences punishable under Sections 392 and

411 of the Indian Penal Code. He is in custody since

05.05.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that it is a

case of false implication of the petitioner. Two seizure lists were

prepared and it would be evident from the first seizure list that



the same was prepared on 05.05.2021 at 11.30 am in which the motorcycle of the petitioner has been shown in the seizure list. The said motorcycle has been produced by the informant. It is submitted that on going through the FIR it would appear that while recording his fardbeyan with police at 8.15 pm the informant has given the time of occurrence of the same date at 10.30 am. In his fardbeyan he says that the miscreants had looted away a sum of Rs.43,600/- from him which was kept in the dickey of his motorcycle and they fled away with black colour Galmaour motorcycle but while trying to flee away speedily when the miscreant was pulling down the key of his vehicle, the owner book card of the vehicle of the miscreant fell down on the earth and he left the place with his motorcycle without realizing that his owner book has fallen down on the earth. The informant claimed that he had seen the number plate of the vehicle bearing no.BR1742 and can identify the accused.

It is his submission that on the one hand the informant says that the miscreant had fled away with the motorcycle but at the same time the seizure list which has been prepared at near Chhohar Chakla road the informant has produced the registration card of the motorcycle of the petitioner but thereafter police has shown recovery of Rs.43,600/- from the



pocket of the petitioner at 4.10 pm.

Learned counsel submits that it is a case of false implication of the petitioner because of some altercation which he had with the police. There is a difference between the seizure memo and the fardbeyan of the informant and further the petitioner who has otherwise no criminal antecedent has remained in custody for more than one year, his presence may also be secured in course of trial, thus, he deserves privilege of bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner saying that there is a recovery of the amount from the possession of the petitioner but considering the facts and circumstances of the case wherein it is evident that the police has though shown the seizure of the registration card of the vehicle at 11.30 am but did not conduct raid immediately and the seizure of the amount has been shown from the pocket of half pant of the accused without disclosing the name of the accused in the second seizure list and while one of the witnesses of the seizure list is the informant, the second witness is the chowkidar, in the nature of the materials present in the seizure list and the fact that the petitioner is in custody for more than one year and his presence may also be secured in



course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Katihar in connection with Falka (Pothia) P.S. Case No.136 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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'.

