

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6611 of 2023

Arising Out of PS. Case No.-581 Year-2021 Thana- GOPALPUR District- Bhagalpur

1. KRIPAL MANDAL @ KANHAIYA MANDAL S/o Mithilesh Mandal R/o Village- Dumaria, P.S.- Gopalpur, Distt- Bhagalpur.
2. Jitendra Sah S/o Ram Chandra Sah R/o Village- Surmaha Kishanpur, Durga Asthan, Kamrali Tola, P.S.- Saur Bazar, Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail, who are in custody since 20.08.2022 in connection with Gopalpur P.S.Case No.581 of 2021, F.I.R. dated 17.12.2021 registered for the offence punishable under Section 379 of the Indian Penal Code and Section 66(C) of the Information Technology (I.T.)Act.

The prosecution case, in short, is that on 05.11.2021 the informant had withdrawn a sum of Rs.Five Thousand from his account through computer of Amit Kumar Mandal from his account of UCO Bank. After withdrawal there were a sum of Rs.81541/- in the account of informant. The allegation of informant against Amit Kumar Mandal is that he had withdrawn



all the money from account. The informant has further stated that Amit Kumar Mandal has also said that he had withdrawn all the money and he stated the informant to do what he wants.

Learned counsel appearing for the petitioners submits that petitioner No.1 has got one criminal antecedent and petitioner No.2 has clean antecedent. Further submits that the allegation as alleged in the FIR is false and fabricated. Petitioners are not named in the FIR. The name of the petitioners have been transpired during investigation on the basis that the phone of the petitioners was used in the crime in question. Further submits that there is no scientific report, with respect to the allegation as alleged, is against the petitioners and it appears from the FIR itself that there is specific allegation against co-accused person, namely, Amit Kumar Mandal. There is no allegation attributed against both the petitioners and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 20.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned A.C.J.M.-I, Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No.581 of 2021, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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