

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4798 of 2023

Arising Out of PS. Case No.-335 Year-2019 Thana- RAJAON District- Banka

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Arun Mandal S/o Ramanand Mandal R/o Village- Lashkari, P.S.- Banka,
Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
08.09.2021, in connection with Rajaun P.S. Case No. 335 of
2019, F.I.R. dated 08.08.2019 registered for the offences
punishable under Section 395 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against
unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired
on the basis of the confessional statement of co-accused person
namely Kundan Yadav and Arvind Yadav. He further submits



that nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution and the co-accused persons namely Kundan Yadav and Arvind Yadav have been granted bail by a Coordinate Bench of this Court vide order dated 12.02.2021 passed in Cr. Misc. No. 30611 of 2020. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.09.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajaun P.S. Case No. 335 of 2019, subject to the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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.

(Rajesh Kumar Verma, J)

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