

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10688 of 2023

Arising Out of PS. Case No.-21 Year-2015 Thana- JAGDISHPUR District- Bhagalpur

Sintu Mandal @ Santosh Mandal S/o Late Prakash Mandal @ Om Prakash Mandal, Resident of Village- Gyanidas Tola Tintanga, P.S.- Gopalpur (Rangra O.P.), District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Dilip Kumar, learned counsel appearing on behalf of the petitioner and Mr. Yogendra Kumar, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Jagdishpur P.S. Case No. 21 of 2015 registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The police acting on a secret information in connection to dacoity in a petrol pump, rushed to the place of occurrence and noticed several accused persons were fleeing in different directions, whereupon they chased and apprehended two persons. The apprehended persons disclosed the name of the petitioner as one of his fleeing accomplice.



Learned counsel for the petitioner submits that the petitioner was neither apprehended on the spot nor any incriminating material has been recovered from his conscious physical possession. He further submits that, in fact, on account of his past nine criminal antecedents besides the present one, his name has been implicated in this case without any cogent material. He next submits that though the petitioner was already in custody in connection with other cases, but he has never been remanded in this case, which is of 2015 and finally he has been remanded in this case on 25.07.2022 and, since then, he is in custody. He also submits that had the petitioner been earlier remanded and put on T.I. parade then veracity of the allegation would have certainly been verified, but the police knowingly never conducted T.I. parade and moreover no incriminating material has been recovered from his possession.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is carrying ten criminal antecedents over his head and his release would hamper the trial.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended on the spot nor any incriminating



material has been recovered and save and except the disclosure made by the apprehended accused persons, there is no material except the criminal antecedents, which alone cannot be taken as sole ground to keep him in custody, let the petitioner, named above, **be released on bail after framing of charge, if not framed**, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 21 of 2015, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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