

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13456 of 2023

Arising Out of PS. Case No.-803 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. SACHIN KUMAR S/O Narayan Mandal R/O Village- Saidpur Kulkuliya, P.S- Kahalgaon, District-Bhagalpur
2. SANJAY KUMAR MANDAL S/O Narayan Mandal R/O Village- Saidpur Kulkuliya, P.S- Kahalgaon, District-Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 22.11.2022 in connection with Nathnagar P.S. Case No.803/2022, F.I.R. dated 17.10.2022 registered for the offences punishable under Sections 394 of the I.P.C.

According to prosecution case, three unknown persons having armed with weapon and caught the informant and snatched his mobile phone and cash of Rs.500/- and when he objected, all the accused persons assaulted him badly with butt and belt and also snatched the Toto of the informant.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that the petitioners are not named in the F.I.R. The names of the petitioners have been transpired during investigation on the basis of confessional statement of the co-accused, namely, Subhash Mandal and no incriminating articles have been recovered from the conscious possession of the petitioners. He further submits that till date no T.I.P has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 22.11.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned C.J.M., Bhagalpur, in connection with Nathnagar P.S. Case No.803/2022, subject to 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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