

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17608 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- KANHauli District- Sitamarhi

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Tinku Mandal @ Tinku Kumar @ Tinku Kumar Mandal S/O Late Krishna
Mandal R/O Village- Bishunpur Adhar @ Vishanpur Aadhar, P.S- Kanhauli,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.07.2022 in connection with Kanhauli P.S. Case No. 34 of
2022, F.I.R. dated 05.03.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, as per written report of
the informant Premchandra Kumar, in brief, is that on
05.03.2022 when the informant was returning back to his home
in his motorcycle after closing his shop and when we reached
near turning at the road between Basahiya to Betahi at about
07.00 P.M., allegedly, two persons ambushed there came out
having pistol in their hands, stopped the informant. In the



meantime both the accused persons snatched his motorcycle and in the meanwhile, one more person in Apache motorcycle also came there towards Basahiya and thereafter all said three accused persons collectively looted the informant's motorcycle, alongwith Passbook of Kenara Bank, Driving License, Owner Book, Aadhar Card and photocopy of PAN Card as kept in the dickey and also extorted Rs.50,000/- from pocket of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 02.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other



than the present one and petitioner is on bail in both the cases as mentioned in para-3 of the bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sitamarhi in connection with Kanhauli P.S. Case No. 34 of 2022, 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 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 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.

(Rajesh Kumar Verma, J)

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