

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22649 of 2023

Arising Out of PS. Case No.-1024 Year-2020 Thana- BANKA District- Banka

=====

Awdhesh Mandal Son Of Badri Mandal Resident Of Village - Chhoti Parbatta,
P.S. - Ismailpur, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Banka P.S. Case No. 1024 of 2020 registered
on 18.12.2020 for the alleged offences under Sections 302/34 of
the Indian Penal Code and added Section 396 of the Indian
Penal Code.

04. As per prosecution case, while committing
dacoity, the brother of the informant was shot dead by unknown
miscreants and the co-accused Chhotu Sharma, who named his
associates as Varun Mandal and Pankaj Mandal, apart from one
more criminal whose name he was not knowing. The name of



the petitioner came up during investigation as one of the accused persons involved in this case.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been named in the FIR, though other co-accused persons have been named. There is no specific allegation against the petitioner. No Test Identification Parade has been conducted. Moreover, the informant is not an eye witness and the petitioner has been arraigned in this case merely on suspicion since his name came up on the basis of confessional statement of co-accused, namely, Pankaj Mandal. This co-accused has been granted bail by a Co-ordinate Bench vide order dated 03.09.2022 passed in Criminal Misc. No. 1842 of 2022. The petitioner is in custody since 17.04.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the



grant of bail to the co-accused person and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Banka in connection with Banka P.S. Case No. 1024 of 2020 (S.T. No. 587 of 2022) subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

