

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26291 of 2023

Arising Out of PS. Case No.-294 Year-2022 Thana- NAUGACHIA District- Bhagalpur

ABINASH KUMAR MANDAL @ ABINASH KUMAR Son of Sanjit Kumar
@ Sanjeet Mandal Resident of Village - Tetari, P.S.- Naugachia, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
29.09.2022 in connection with Naugachia P.S. Case No. 294
of 2022, F.I.R. dated 28.09.2022 registered for the offence
punishable under Sections 413,414,34 of IPC, Sections
8,17(b),22(b) of NDPS Act and Section 25(1-b),26 of the
Arms Act.

3. On search, total 5 puriya i.e. total 1.10 gram
smack, purse of petitioner and some jewellery items have
been recovered from the cottage like Guhal situated behind
the house of petitioner. Thereafter, informant searched the
house of petitioner, total 3 “Chharra’ bullets and some silver



ornaments have been recovered.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that no incriminating article has been recovered from possession of the petitioner rather the recovery has been made from other co-accused person, namely, Bikash Kumar Pandit @ Bhanu Pandit and others and said Bikash Kumar Pandit @ Bhanu Pandit has been granted bail by this Court vide order dated 03.07.2023 passed in Cr. Misc. No.705 of 2023 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 29.09.2022.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 learned Additional Sessions Judge-1, Bhagalpur in connection with Naugachia P.S. Case No. 294 of 2022, with the following conditions:-



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

(II) 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.

(III) 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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