

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29555 of 2023**

Arising Out of PS. Case No.-164 Year-2019 Thana- CHAUSA District- Madhepura

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Amit Kumar @ Shashi Bhushan Mandal @ Bhushan Mandal Son Of Late  
Narayan Mandal Resident Of Village Khawan Diyara Murliram Basa ,P.S  
Alamnagar Ratura O.P ,District Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      25-07-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since  
12.11.2022 in connection with Chousa P.S. Case No. 164 of  
2019, F.I.R. dated 14.06.2019 for the offences punishable under  
Section 392 of the Indian Penal Code.

3. According to prosecution case, as per F.I.R. is that  
on 11.06.2019 the informant Manish Kumar Bhagat went to  
Mansi on 11.06.2019 and stayed there at night and received a  
payment of the said cheque from H.D.F.C. Bank, Bhagalpur and  
they proceeded to his house. The informant further stated that  
one Vikash Sharma (the petitioner) of his village also received a  
payment of Rs.5/- lacs and both of them proceeded from



separate motorcycle to their village. They safely reached upto Bhatgama and then they both took petrol on petrol pump and from there Vikash Sharma on the pretext of going to toilet moved forward. The informant further stated that at Lahulagan Chawk, he saw that Vikash Sharma was talking to a man having a green colour Apache motorcycle and there he asked the informant to go ahead. Suddenly storm came and in the meanwhile the said man having green coloured Apache motorcycle overtook and stopped the informant on gun point, snatched the informant's bag and when informant opposed he gave the informant a fist blow and took one Samsung from the informant's pocket and also threw away the key of informant's motorcycle.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent 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 on the basis of confessional statement of co-accused namely, Vikash Sharma @ Bikash Kumar Sharma. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He



further submits that similarly situated, co-accused, namely, Vikash Sharma @ Bikash Kumar Sharma has been granted bail by a co-ordinate Bench of this Court vide order dated 26.09.2019 passed in Cr. Misc. No. 56311 of 2019. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that the petitioner has identified in the TIP by the informant but fairly submits that nothing was recovered from the conscious possession or the house of the petitioner the the co-accused has been granted bail by a co-ordinate Bench of this Hon'ble Court.

6. 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 Sub-Judicial Magistrate, Udakishunganj, Madhepura in connection with Chousa P.S. Case No. 164 of 2019, 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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