

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32653 of 2022

Arising Out of PS. Case No.-472 Year-2019 Thana- FALKA District- Katihar

=====

Pinka Mandal @ Pankaj Mandal @ Pinku @ Praveen Kumar Mandal Son of
Gopal Mandal Resident of Village - Malharia, P.s.- Falka (Pothia), Distt.-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 392 of the Indian Penal
Code.

According to prosecution case, three unknown
miscreants snatched away Rs. 47,000/- cash and cheque-book
on gun point from the informant while he was returning from
SBI Pothiya.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. and



the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Gopal Yadav. He further submits that till date no T.I.P. had been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Gopal Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.10.2020. passed in Cr. Misc. No. 26203 of 2020. The petitioner is in custody since 06.01.2020.

The learned Additional Public Prosecutor on the basis of the material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries 11 cases other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Falka (Pothia) P.S. Case No. 472 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)

Vanisha/-

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

