

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37760 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- KURSAILA District- Katihar

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DHARMENDRA MANDAL @ DHARMENDRA KUMAR MANDAL Son
of Late Baso Mandal Resident of village - Dotara, P.S. - Basnahi, Distt. -
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Kursela P.S. Case No.34 of 2023 instituted under Section
392 of the IPC lodged on 03.03.2023 by the informant Vijay
Kumar.

As per the FIR, on 03.03.2023, the informant Vijay
Kumar was going to meet his brother- in-law Satan Sahni, on
way, three miscreants arrived on motorcycle and intercepted
him. Thereafter, the miscreants on the point of pistol took away
his belongings: cell phone, purse containing Rs.1300/-, Aadhaar
card etc. as also the motorcycle of informant and fled away. The
informant identified two miscreants and disclosed their names
as Chhotu Kumar and Ranjit Yadav. Accordingly, the FIR.



The contention of the learned counsel for the petitioner is that neither he has been named in the FIR nor during investigation the witnesses have attributed any role to the petitioner and only on the basis of his arrest and recovery of a mobile, which was not a looted article, he was taken into custody on 04.04.2023 (as stated in para-15 of the petition). The further contention is that he has not been put on TI parade despite being in jail.

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions as also that he is in custody since 04.04.2023 and will ultimately have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kursela P.S. Case No.34 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Katihar, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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