

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39704 of 2023

Arising Out of PS. Case No.-72 Year-2018 Thana- RAGHOPUR District- Supaul

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RAJ KUMAR MANDAL @ BAUA MANDAL @ BHOLA MANDAL Son
of Mohan Mandal @ Mohanlal Mandal Resident of Village - Sahebganj, ward
no. 02, P.S. - Narpatganj, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Raghopur P. S. Case No. 72 of 2018, registered for the

offences punishable under Sections 457 and 380 of the

Indian Penal Code.

The prosecution case as emerges from the FIR is

that when the elder mother of the informant went to Ranchi

at her daughter's house, the petitioner and his associates

committed theft in her house and stolen valuable articles as

well as cash of Rs. 16,000/-.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that petitioner is not named in the F.I.R. and his name has transpired from the confessional statement of co-accused, which has no legal sanctity in the eyes of law.

He further submits that the petitioner has been languishing in jail since 29.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in four more cases and in all these cases, the petitioner is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-I, Birpur, Supaul, in connection with Raghobur P. S. Case No. 72 of 2018 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite



his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

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