

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43774 of 2022

Arising Out of PS. Case No.-950 Year-2021 Thana- FORBESGANJ District- Araria

Deepak Mandal @ Deepak Kumar, S/o Birendra Mandal, R/o village -
Madhubani, Ward No. 8, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar, Advocate General Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Forbesganj Simraha P.S. Case No. 950 of 2021
registered for the alleged offences under Section 392 of the
Indian Penal Code.

As per prosecution case, two miscreants looted the
informant on gun-point and took away Rs. 4,550/- in cash, a
mobile phone, some documents and key to his motorcycle. The
name of the petitioner transpired during investigation as one of
the miscreants.

Learned counsel for the petitioner submits that



petitioner is not named in the F.I.R. and nothing incriminating has been recovered from his possession. The petitioner has been arrested in Forbisganj P.S. Case No. 07 of 2022 on the basis of confessional statement of one Gopi Mandal who was arrested in Forbesganj P.S. Case No. 180 of 2022. The petitioner has not been put to any Test Identification Parade and nothing has been recovered at the instance of the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 08.02.2022. Co-accused Suraj Kumar Sharma has been granted bail by a Coordinate Bench vide order dated 23.01.2023 passed in Cr. Misc. No. 33562 of 2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal history and some recovery has been shown from this petitioner although not in this case.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj Simraha P.S. Case No. 950 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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