

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47397 of 2023**

Arising Out of PS. Case No.-57 Year-2001 Thana- BARHARA KOTHI District- Purnia

Rajendra Mandal, Son of Late Prasadi Mandal, Resident of village - Bhatsara,  
P.S. - Barhara, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      01-08-2023                      Heard learned counsel for the petitioner and the  
learned APP for the State.

2. Petitioner seeks regular bail in connection with  
S.G.R. Case No. 1666 of 2001 arising out of Barhara P.S. Case  
No. 57 of 2001 dated 20.09.2001 registered for the offence  
punishable under Section 395 of the Indian Penal Code.

3. The main submissions advanced by learned  
counsel for the petitioner are that the petitioner is 70 years old  
and he is not named in the FIR so he had no occasion to get the  
details of the FIR, though the FIR was registered in the year  
2001 but the petitioner had no knowledge of any of the  
processes which are stated to be issued by the Court concerned  
to get his appearance and even the processes under Sections 82  
and 83 of Cr.P.C. were not issued and nothing incriminating



material connecting the petitioner to the alleged crime of *dacoity* was recovered from his possession after he was arrested in the present matter and he was not put on *Test Identification Parade* and all the witnesses are interested persons and against the petitioner the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Heard both the sides. Though the petitioner remained absconded for a long period as per the order impugned but considering his old age and also taking into account that he is not named in the FIR and he has taken the plea that he had no knowledge of the FIR of the instant matter and the Court below did not issue any process under Sections 82 and 83 of Cr.P.C. to get his appearance, this Court is inclined to take a lenient approach to the petitioner's prayer. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with S.G.R. Case No. 1666 of 2001 arising out of Barhara P.S. Case No. 57 of 2001, on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) 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.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

**(Shailendra Singh, J)**

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