

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48202 of 2023

Arising Out of PS. Case No.-97 Year-2019 Thana- JANDAHA District- Vaishali

KAMAL KISHORE @ MANGAL S/O GOPAL MAHTO R/O VILLAGE-
CHHOURAHI PS. KHODABANDPUR (CHHOURAHI O.P.), DIST.
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-12-2023 1. Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Jandaha P.S. Case No. 97 of 2019, registered for the offence punishable under Section 392 of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this by an order dated 13.01.2023, passed in Cr.Misc.No.59578 of 2022.

3. The case of the prosecution, in brief, is that on 09.05.2019 at about 10 pm in the night, after loading fish on a Pick-up van, the informant departed for Hajipur and when he reached before Salha Power Grid House near Jandaha Bazar



on NH-322, four miscreants travelling in a blue coloured Car, had overtaken and intercepted the Pick-up van of the informant, whereafter, they had looted 48 boxes of fish worth Rs. 1.5 lacs.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 23.07.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases but he is on bail in the said two cases and as far as the present case is concerned, he has already suffered enough incarceration.

5. Per contra, the learned APP for the State has though vehemently opposed the prayer for bail on the ground that though the case is of the year 2019, but the petitioner had surrendered belatedly after about four years of the alleged incident, however, he submits that on account of the period of custody already undergone, a sympathetic consideration can be taken.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the



materials available on record as also considering the fact that the petitioner has been languishing in custody since more than one year and similarly situated co-accused persons have already been granted the privilege of bail by co-ordinate Benches of this Court, as has been mentioned in paragraph no.11 of the present petition, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

7. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Vaishali at Hajipur in connection with Jandaha P.S. Case No. 97 of 2019.

(Mohit Kumar Shah, J)

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