

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51990 of 2023

Arising Out of PS. Case No.-785 Year-2021 Thana- KHAGARIA District- Khagaria

=====

UMESH MANDAL Son of Late Sahdev Mandal Resident of Village -
Makurjan, P.S.- Barhara Kothi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dr. Ramakant Akela, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 785 of 2021 for the offence punishable under Sections 379, 356 read with section 34 of the Indian Penal Code lodged on 02.10.2021 by the informant, Lalan Kumar Yadav.

As per the prosecution story, the informant alleged that he along with his wife after withdrawal of Rs. 3,00,000/- went out of the bank and when they reached near Koshi Hospital, the accused persons on a motorcycle snatched the bag and fled away. This resulted into the FIR.

The case of the petitioner is that only because he has criminal antecedent of the same nature, one and half years later, has been arrested and further is in custody since 21.4.2023



(para-13 of the bail petition), no TIP has been conducted.

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the fact that he has remained in custody since 21.4.2023 but the police failed to conduct the TIP, FIR lodged and will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-IIIrd, Khagaria, in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 785 of 2021 subject to the 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

