

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49506 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Chandan Kumar @ Gyanendra Mandal @ Janendra Mandal S/O Raj Kumar
Mandal R/O Village- Tarni Basa, P.S- Puraini, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
17.04.2023 in connection with Naugachia P.S. Case No. 136 of
2022, F.I.R. dated 22.05.2022 for the offences punishable under
Sections 394, 364 of the Indian Penal Code.

3. According to prosecution case, in short, is that the
accused persons committed loot of maize loaded on truck
belonging to the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the F.I.R. and the name of the petitioner has been transpired on
the basis of confessional statement of co-accused person
namely, Manish Kumar. He further submits that nothing has



been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Bala Mandal @ Bale Mandal, Akhilesh Mandal, Ranjeet Mandal @ Ranjeet Mandal @ Ramjeet, Niraj Mandal @ Niranjan Mandal @ Niraj and Gurudeo Mandal @ Sanoj Mandal @ Fufa have been granted bail by a co-ordinate Bench of this Court vide orders dated 16.12.2022, 23.12.2022 and 13.03.2023 passed in Cr. Misc. No. 49218 of 2022, Cr. Misc. No.52508 of 2022, Cr. Misc. No. 57478 of 2022, Cr. Misc. No.57524 of 2022 and Cr. Misc. No.59058 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 learned A.C.J.M.-I, Naugachia, Bhagalpur in connection with Naugachia P.S.



Case No. 136 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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