

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52477 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- FORBESGANJ District- Araria

Deepak Mandal @ Deepak Kumar S/o Birendra Mandal Resident of Village-
Madhubani, Ward No.-8, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Krishna Chandra, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Forbesganj (Simraha) P.S. Case No. 17 of 2022,
registered for the offences punishable under Section 394 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the fardbeyan of the
informant alleging therein that on 05.01.2022, while he was
going to his house on the motorcycle, in the meantime two
persons came on the motorcycle intercepted him and one of the
unknown person on the point of pistol snatched Rs.30,000/- and
other valuables. It is further alleged that in course of robbery



some scuffle took place and thereupon one of them fired on his left thigh due to which he fell down, thereafter, the accused persons fled away.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown two miscreants. However, during the course of investigation one of the co-accused person was apprehended by the police and thereafter name of the petitioner surfaced on his confessional statement. He further submits that save and except the confessional statement, there is no material against the petitioner, neither any incriminating material has been recovered from his person or possession nor the petitioner has been put on test identification parade, though there is specific assertion made by the informant that he would be able to identify the co-accused persons. He next submits that after institution of this case, petitioner has been remanded in other two cases. From the particulars given in paragraph 3, it appears that the petitioner is involved in three other criminal cases, however, it is submitted that all the cases have been instituted against unknown miscreants and later on the name of the petitioner has been implicated in this case. He lastly submits that the petitioner is in custody since 13.04.2022 and the charge-sheet has been



submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner appears to be a habitual offender, carrying three other criminal cases of identical nature.

Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted against unknown persons and till date neither any incriminating material has been recovered from the person or possession of the petitioner nor he has been put on test identification parade, apart from the fact that his name has surfaced on the confessional statement, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees 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. 17 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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