

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62483 of 2022

Arising Out of PS. Case No.-284 Year-2022 Thana- FALKA District- Katihar

Sikandar Mandal @ Sikandar Kumar Mandal Son of Late Rupan Mandal
Resident of Village - Bakia Dumar, P.S.- Falka, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Rajendra Prasad Sah, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Sanjeev Kumar Singh, Advocate Ms. Neha Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since 08.08.2022 in connection with Falka (P) P.S. Case No. 284 of 2022, F.I.R. dated 21.07.2022 for the offences punishable under Sections 386, 307/34 of the Indian Penal Code.

According to prosecution case, the co-accused Manish Thakur demanded Rs. 18,00,000/- as ransom and the petitioner



fired upon the informant which hit on his leg. It is further been alleged that petitioner threatened to kill the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it transpire that there is no allegation of repetition of firing against the petitioner and it is not clear that who sustained injuries by firing of the petitioner. He further submits that in fact, the informant has not stated anything in the F.I.R. but in his statement in paragraph 41 of the case diary specifically states that the petitioner has fired upon him but it appears from the injury report that the informant has sustained injury which is not on the vital part of the body. He further submits that the co-accused, namely, Manoj Kr. Mandal against whom there is similar allegation has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.03.2023 passed in Cr. Misc. No. 59834 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.



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 Additional Chief Judicial Magistrate- III, Katihar in connection with Falka(P) P.S. Case No. 284 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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