

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68040 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- FALKA District- Katihar

Lalan Kumar Mandal S/O Late Mantu Mandal R/O Village- Majheli Jarlahi,
P.S- Barari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal, Advocate.
For the Opposite Party/s : Mr. Tarun Prasad Mandal < APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 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. Suresh Prasad Sah @ Baranwal, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Falka (Pothia) P.S. Case No. 104 of 2022 giving rise to Session Trial No. 483 of 2022, registered for the offences punishable under Sections 395, 412, 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

It is alleged that on 27.03.2022, while the informant was going on his motorcycle, in the meantime, six miscreants came on two motorcycles, overtook him and on the point of pistol snatched the valuables and the motorcycles and fled away.



Learned counsel appearing on behalf of the petitioner submits that FIR has been instituted against unknown miscreants, however, on the same date co-accused Dilkhush Kumar was apprehended by the police and on the basis of confessional statement of Dilkhush Kumar the petitioner was apprehended and on search one country made loaded pistol has been recovered from his possession. He further submits that the informant asserted that he is able to recognize the miscreants, however, till date the petitioner has not been put up on test identification parade, nor any looted article(s) has been recovered from his possession and save and except the confessional statement there is no other material, more, so he is in custody since 29.03.2022 and the case has been committed to the Court of Sessions.

On the other hand learned APP for the State vehemently opposes the bail application and submits that ample materials have come during the course of investigation and the petitioner is apprehended along with fire arm.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is neither named in the FIR nor he has been put on test identification parade, apart from there is no recovery of any



looted articles from the possession of the petitioner, coupled with the period of custody and fair antecedent, let the petitioner, named above, be released 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 Sessions Judge, Katihar, in connection with Falka (Pothia) P.S. Case No. 104 of 2022 giving rise to Session Trial No. 483 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.

(Harish Kumar, J)

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