

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66893 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- JOKIHAT District- Araria

PAPPU KUMAR MANDAL S/o Late Shobha Kant Mandal @ Shobha Kant
R/v- Majlishpur, P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha,Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 22-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 08.07.2022 in connection with Jokihat P.S. Case No. 41 of 2021, F.I.R. dated 02.02.2021 registered for the offence punishable under Sections 363,364A,365 of IPC.

The prosecution case, as per the first information report, is that the nephew of the informant, aged about six years, was kidnapped for ransom from his school.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



Petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the mobile phone which was used for demanding of ransom which was registered in the name of the petitioner. Further submits that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from possession of co-accused persons. In fact the mobile phone of the petitioner was misplaced before the present occurrence but due to mistake the petitioner has not filed any complaint before the police and the accused persons have used the mobile phone of the petitioner for demanding of ransom and co-accused persons, namely, Jitendra Pandit and Bijal Pandit have been granted bail by a Coordinate Bench of this Hon'ble Court vide orders dated 25.01.2023 and 15.03.2023 passed in Cr. Misc. Nos.43959 of 2022 and 13502 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned ^{2nd} Additional District and Sessions Judge, Araria in connection with Jokihat P.S. Case No. 41 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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