

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68953 of 2022**

Arising Out of PS. Case No.-162 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

Sunil Mandal Son Of Devendra Mandal @ Devi Mandal R/O Village-  
Bariyarpur, P.S.- Piri Bazar, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      08-05-2023                      Heard learned counsel for the petitioner and 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  
18.08.2022 in connection with Piri Bazar P.S. Case No. 162 of  
2021, F.I.R. dated 24.10.2021 for the offences punishable under  
Sections 147, 148, 149 448 and 364 of the Indian Penal Code  
and Section 27 of the Arms Act as well as Section 16/18/20/23  
of the UAP Act.

According to prosecution case, 10-15 miscreants  
entered into the house of the informant and kidnapped his son,  
namely, Deepak Kumar.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Mukul Khode. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and except the confessional statement of the co-accused, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Chandan Naiya @ Kandua Naiya has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.03.2023 passed in Cr. Misc. No. 68274 of 2022 and another co-accused, namely, Dilip Mandal @ Dilip Kumar Mandal has been granted bail by a Co-ordinate Bench of this Court vide order dated 28.02.2023 passed in Cr. Misc. No. 69410 of 2022. The petitioner is in custody since 18.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the



ground that petitioner carries 9 criminal antecedents other than the present one.

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 Chief Judicial Magistrate, Lakhisarai in connection with Piri Bazar P.S. Case No. 162 of 2021, 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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