

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75025 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- BIHARIGANJ District- Madhepura

Prahalad Mandal @ Prahalad Kumar S/o Jagdeo Mandal R/v- Kalakand
Chany Tola, Ward No. 6, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-05-2023 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
23.03.2022 in connection with Bihariganj P.S. Case No. 30 of
2022, F.I.R. dated 06.02.2022 for the offences punishable under
Sections 363, 365, 379/34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other accused person abducted the son of the informant
while he was returning to his house. It is further stated that
earlier also the petitioner snatched his motorcycle and stolen the
tatiya of his shop.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the occurrence took place on 25.01.2022 but the present F.I.R. is instituted on 06.02.2022 i.e., after delay of 12 days without giving any explanation of the said delay. He further submits that the petitioner has not committed any offence as alleged in the F.I.R. and there is no eye witness of the alleged occurrence. He further submits that there is contradiction in the statement recorded before the police and the statement under Section 164 of the Cr.P.C. recorded before the learned Court below. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 3 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 Judicial Magistrate 1st Class, Udakishunganj, Madhepura in connection



with Bihariganj P.S. Case No. 30 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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