

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1011 of 2023

Arising Out of PS. Case No.-42 Year-2021 Thana- DHOLBAJJA District- Bhagalpur

RAJESH MANDAL Son of Ashok Mandal R/v- Laxminiya, P.S.- Rupouli,
District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2023 Heart the parties.

The petitioner is in custody in connection with Dholbajja (Kadwa) P.S. Case No. 42 of 2021 under section 392 of the Indian Penal Code lodged on 19.6.2021 by the informant Murari Kumar.

The prosecution story, in brief, is that on 19-06-2021 , the informant who is an employee in Jana Small Finance, Bank was going to Bhagalpur from a village after meeting with customers. As soon as the informant reached behind Baludhar More, three persons on a motorcycle over took and forced him to stop. Thereafter, they snatched his red bag containing tab of Samsung brand, Finger Sensor Machine, Charger and other documents, mobile phone, a



purse containing A.T.M. Card, Driving License, Adhaar Card and cash of Rs. 250. After committing alleged snatching, the miscreants drove their motorcycle towards Baludhar More to Kasimpur village. He has further alleged that miscreants appeared to be school boys. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioner that he was arrested in connection with Dholbajja (Kadwa) P.S. Case No. 74 of 2021 whereafter he has been remanded to custody in other cases and the police has chosen to implicate him one after another cases.

The further submission is that nothing has been recovered from his conscious possession and he has remained in custody since 27.5.2022 (as stated in para-17 of the petition).

Learned APP opposes the prayer for bail stating that he has criminal antecedent of same nature.

Considering the fact that nothing has been recovered from his conscious possession nor any TIP done, his name has come in the confessional statement, is in custody since 27.5.2022, this Court is inclined to grant him the privilege of bail with conditions:

Let the petitioner be released on bail, on



furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Naugachia, Bhagalpur, in connection with Dholbajja (Kadwa) P.S. Case No. 42 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Ravi/Kiran

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