

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9215 of 2024**

Arising Out of PS. Case No.-181 Year-2023 Thana- SABAUR District- Bhagalpur

Rahul Kumar Mandal Son of Puran Mandal, R/o village - Shankarpur, P.S. - Sabour, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

4      28-06-2024                      Heard Mr. Rajive Ranjan Singh, the learned counsel for the petitioner and Mr. Nirmal Kumar Sinha, the learned Additional Public Prosecutor for the State.

2.              The petitioner is apprehending his arrest in connection with Sabour PS Case No. 181 of 2023, FIR dated 31.03.2023, registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of Arms Act.

3.              According to the prosecution case, the informant, upon receiving information that five to six criminals are looting trucks on gun-point, reached at the alleged place of occurrence and saw six boys trying to stop and loot a truck. It is further alleged that after seeing the police party, four boys managed to flee, however, the police party apprehended two boys and from



their possession 315 live cartridges, one country made pistol and one motorcycle has been recovered.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the name of petitioner transpired on the basis of confessional statement of the co-accused person namely, Sujit Kumar and except the aforesaid, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He lastly submits that recovery has been made from the possession of co-accused person Sujit Kumar and petitioner has no concern at all with the co-accused person Sujit Kumar or the arms which have been recovered from the possession of Sujit Kumar.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and fairly submits that except the disclosure made by the co-accused person, Sujit Kumar, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Bhagalpur, where the case is pending in connection with **Sabour PS Case No. 181 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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