

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7430 of 2024

Arising Out of PS. Case No.-93 Year-2021 Thana- NARPATGANJ District- Araria

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GOPAL KUMAR MANDAL @ GOPAL MANDAL Son of Narayan Mandal
Resident of Village-Chaping Balua Bazar, Ward No.-05, P.S.-Bhimpur, Dist-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Ramesh Kumar Singh, learned counsel

for the petitioner and Mr. Mukesh Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Narpatganj P.S. Case No. 93 of 2021, F.I.R.
dated 25.02.2021 for the offences punishable under Sections
392 and 397 of the Indian Penal Code.

3. According to prosecution case, some miscreants
have forcibly boarded the informant inside the car and tied his
mouth and hand thereafter they took away Rs.8,000/- and
mobile form his pocket and took away the tractor of the
informant.

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 petitioner is not named in the FIR, the name of the petitioner has transpired during course of investigation on the basis of that one looted mobile was recovered from the house of the petitioner. He further submits that looted mobile has been used by Sim No. 6201970548 and the same sim was registered in the name of the petitioner. He further submits that in fact the looted mobile was purchased by the wife of the informant from the villager and she has no knowledge whether the mobile was looted or belong to the said villager.

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

6. Considering the aforesaid facts, the petitioner has clean antecedent and looted mobile has been recovered from the house of the petitioner but the same was purchased by the wife of the petitioner from the local villager, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Araria in connection with Narpatganj P.S. Case No. 93 of 2021, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

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 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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