

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11577 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- BHAPTIAHI District- Supaul

Niraj Kumar Mandal S/O Dhanik Lal Mandal R/O Village- Kullipatti, Ward No.1, Chandpipra, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bhaptiyahi P.S. Case No. 83 of 2023 lodged on 17.06.2023 under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against four unknown accused persons with an allegation of committing robbery of a pick up van alongwith other articles from the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. In fact, the petitioner is not named in the F.I.R. rather his name has figured in this case only on the basis of suspicion. Neither any incriminating article has been recovered from the possession of



the petitioner nor the petitioner has been put on the Test Identification Parade. The petitioner is in custody since 11.08.2023 and is accused in three more criminal cases, but in all the cases, he has been granted bail.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean hence, at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, but only three months after framing of charge, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Supaul, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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



bonds by the Trial Court itself;

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

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

(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 the bail bonds.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

I. Pipra P.S. Case No. 235 of 2023

II. Kishanpur P.S. Case No. 183 of 2023

III. Bhaptiyahi P.S. Case No. 65 of 2023

(Dr. Anshuman, J)

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