

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25806 of 2024

Arising Out of PS. Case No.-727 Year-2023 Thana- KAUWAKOL District- Nawada

Santosh Mandal @ Santosh Kumar, Aged about 39 years, Son of Ram Charitra Mandal, Resident of Village- Ujhandi, P.S.- Sadar (Jamui), Dist.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kauakol P.S. Case No. 727 of 2023 instituted for the offences punishable under Sections 392, 341, 323, 504/34 of the Indian Penal Code.

3. As per the prosecution case, while the informant was coming Nawada from his motorcycle, four accused persons came by two motorcycles and started abusing and assaulting him and they snatched Rs. 900/- and motorcycle containing registers, cheques books etc. of his office.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. Petitioner is not named in the F.I.R. Nothing incriminating or looted article has been recovered from his conscious possession. His name surfaced from the confessional statement of co-accused Vivek Raj @ Vivek Kumar @ Murga in police custody which has no evidentiary value in the eye of law. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 23.01.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. On perusal of the F.I.R., impugned order and seizure list, it appears that on the basis of written report of informant F.I.R. registered against unknown. During investigation, nothing looted article has been recovered from the possession of petitioner. As per seizure list, only one mobile along with sim has been recovered from the possession of petitioner which belongs to him and as per F.I.R. there is no allegation of snatching the mobile by the accused persons.

7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named



petitioner be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nawada in connection with Kauakol P.S. Case No. 727 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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