

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31946 of 2024

Arising Out of PS. Case No.-26 Year-2008 Thana- BATH District- Bhagalpur

Munna Mandal @ Vishundev Mandal, aged about 62 years (Male), Son of
Bhagwan Mandal, Resident of Village- Masumganj, P.S.- Asarganj, Dist.-
Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Subodh Prasad, Advocate
For the Opposite Party : Ms. Asha Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bath
P.S. Case No. 26 of 2008, S.T. No. 548 of 2010 dated
16.10.2008 registered for the offences punishable under
Sections 395, 412 and 120B of the I.P.C.

3. As per the prosecution case, on 16.10.2008 at about
7.30 P.M., while the informant alongwith her staff of the shop
after closing her shop were going to her home on a motorcycle,
five unknown miscreants surrounded and stopped her
motorcycle and on the point of pistol, assaulted her and took a
purse containing Rs. 6,000/-, cash-memo, receipt, pension pass-
book and some golden and silver ornaments from her.



Thereafter, the accused persons also fired and fled away from the place of occurrence. On hulla, the villagers caught Santosh Kumar, Sanjay Chaudhary and Bittu Kumar and they disclosed the names of fleeing persons as Tufani Sah and Vikash Yadav. It is further alleged that from the possession of apprehended persons Santosh Kumar, one loaded country made pistol and from possession of Sanjay Chaudhary, pension pass-book of Sarswati Devi and from possession of Bittu Kumar, one purse containing cash-memo etc., were recovered. It is further alleged that five days ago, Ram Chandra Yadav, Patwari Yadav and Munna Mandal (petitioner) came at the shop of the informant and abused and gave threatening to the informant. The informant had also filed an application to the S.P. Munger in this regard. She also identified that the apprehended persons were seen moving surrounding her shop with Patwari Yadav, Munna Mandal (petitioner) and Ram Chandra Yadav.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that this is a case of misuse of privilege of bail granted by the learned court below. The name of the petitioner has surfaced in the present case on the basis of the apprehended co-accused persons as such the petitioner was



granted bail by the learned court below but on 17.07.2012, due to non-appearance in the court below, his bail bond was cancelled as the petitioner went to Punjab for his livelihood and after sometime he fell ill and could not appear in the court below. The petitioner was declared absconder on 03.04.2018 and he was arrested and produced by the police on 09.11.2023 and since then he is in jail custody. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 09.11.2023

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner has deliberately misused the privilege of bail and despite issuance of process of Sections 82 and 83 of the Cr.P.C., he did not appear in the court below..

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Bhagalpur I/C in connection with Bath P.S. Case No. 26 of 2008, S.T. No. 548 of 2010 with further condition:-



(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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