

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40192 of 2024

Arising Out of PS. Case No.-1035 Year-2022 Thana- MADHEPURA District- Madhepura

Prahlad Kumar @ Pralad Kumar S/O Nandkishor Mandal R/O Village-
Bhelwa, Ward No. 4, P.S And Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Tiwary, Advocate

For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Ashwani Tiwary, learned counsel for the

petitioner and Mr. Kumar Veerendra Narayan, learned A.P.P.

appearing on behalf of the State.

2. The petitioner seeks bail, who is in custody since
13.09.2023, in connection with Madhepura P.S. Case No. 1035
of 2022, FIR dated 29.10.2022 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, petitioner along with
others were assembled and preparing for committing offence.
On seeing the police party, the petitioner along with other has
fled away.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that the name of the petitioner has been transpired only on the basis of the disclosure made by the co-accused person. He further submits that the petitioner was not present at the place of the occurrence and it appears from the FIR itself that the petitioner has not committed anything wrong and he has been made accused only on the basis of the suspicion. He further submits that other co-accused person, namely, Ehsan Ansari has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.04.2023 passed in Cr. Misc. No. 2374 of 2023 and co-accused person, namely, Anmol Mandal has also been granted bail by this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 17188 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.09.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one case other than the present one.

6. Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-III, Madhepura in connection with Madhepura P.S. Case No. 1035 of 2022 with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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