

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37177 of 2024

Arising Out of PS. Case No.-173 Year-2023 Thana- GANGTA District- Munger

Bipin Mandal Son Of Jhuro Mandal Resident Of Village / Muhalla -
Dhudhladih, P.S. - Gangta, District - Munger

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Gangta
P.S. Case No. 173 of 2023 instituted for the offences under
Sections 395, 397, 412 of the Indian Penal Code and Section 27
of the Arms Act.

3. The prosecution case, in short, is that when the
informant was going on truck towards Laxmipur from
Kharagpur to load sand, six miscreants on three bikes followed
him and forcibly entered into his truck, and, on the point of
pistol, snatched Rs. 2,000/- cash, driving license, Aadhar Card,
S.B.I. Passbook, mobile and, thereafter, they fired upon him and
fled away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is not named in the FIR and the same has been lodged against unknown persons. The name of the petitioner has come into light on the basis of confessional statement of co-accused, which has got no evidentiary value in the eyes of law. The petitioner has got no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. Charge-sheet has been submitted in this case. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 16.02.2024 passed in Cr. Misc. No. 6633 of 2024. The petitioner is in custody since 08.09.2023 and has six criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail **after framing**



of charge, if not already framed, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gangta P.S. Case No. 173 of 2023, Subject to following conditions:

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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