

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52163 of 2024

Arising Out of PS. Case No.-46 Year-2021 Thana- KHUTAUNA District- Madhubani

Digambar Mandal, Son of Mohan Mandal, R/O Vill.- Thathari, P.S.-
Rudrapur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-08-2024 1. Heard Mr. Pintu Kumar Patel, learned counsel for
the petitioner and Mr. Uma Shankar Prasad Singh, learned APP
for the State.

2. The petitioner apprehends his arrest in
connection with Khutauna P.S. Case No. 46 of 2021 dated
16.04.2021 registered for the offences punishable under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1B)a, 26 and 35 of the Arms Act.

3. Learned counsel appearing for the petitioner
submits that the petitioner has been falsely implicated in the
present matter merely on the basis of suspicion/presumption and
his name has surfaced in the confessional statement of co-
accused Deo Kumar Mandal @ Lalu, who has been granted bail
by a co-ordinate bench of this Court vide order dated



08.03.2022 passed in Cr. Misc. No. 50249/2021 and even as per allegation or confession, there is no allegation of any overt act against this petitioner and the confessional statement under Section 161 of Cr.P.C. has no legal or evidentiary value and no incriminating material has been recovered from the possession of the petitioner. Learned counsel further submits that the petitioner has got fair and clean antecedent and other co-accused persons, namely, Md. Arman @ Abdul Nizam, Rajesh Kumar @ Rajesh Kumar Yadav @ Rajesh Yadav and Anil Kumar Mukhiya @ Anil Mukhiya have been granted bail by different benches of this Court vide orders passed in Cr. Misc. Nos. 66832/2021, 19546/2023 and 66172/2023 respectively.

4. Learned APP for the State has opposed the prayer for bail.

5. Having considered the above submissions and mainly the facts that the petitioner's name has surfaced in the statement of apprehended co-accused Deo Kumar Mandal @ Lalu who is on bail and in respect of the petitioner's involvement in the alleged crime, the prosecution is mainly relying upon the said confessional statement given before the police and it is mentioned in paragraph '3' of the petition that the petitioner has got no criminal antecedent and it is submitted



by petitioner’s counsel that if confessional statement of co-accused is taken into account, even then, there is a simple allegation against this petitioner to have assisted the co-accused persons and also taking into account the fact that above-mentioned several co-accused persons are on bail, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Khutauna P.S. Case No. 46 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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