

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48377 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- NATHNAGAR District- Bhagalpur

Anta Mandal @ Anand Kumar @ Annu Son of Niraj Mandal @ Niraj Kumar
R/O Vill.- Purani Sarai, P.S.- Nath Nagar, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Nath Nagar P.S. Case No. 130 of 2024 instituted for the offences under Section 392 of the Indian Penal Code and subsequently, charge-sheet has been submitted under Section 392 of the Indian Penal Code and Section 25(1-b)a, 26/35 of the Arms Act.

3. As per prosecution case, the accusation against the four miscreants including the present petitioner is of snatching cash and mobile from the Informant. It is alleged that the miscreants forcibly sent Rs. 4,000/- on-line through QR Code in the name of Abhishek Kumar and fled away. It is also alleged that the Informant recognized two of the miscreants with the



help of the local villagers, namely, Anta Mandal (the petitioner) and another Tunna Mandal.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on suspicion. He further submits that on the basis of the disclosures made by the petitioner, the police has recovered one country-made pistol from the joint house of the petitioner and, thus, nothing incriminating/stolen article has been recovered from the conscious possession of the petitioner. He further submits that the police conducted the Test Identification Parade but, the Informant voluntarily refused to participate in the said parade. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has five criminal antecedents but, in all of them, he is on bail and is languishing in judicial custody since 29.02.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail 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 Nath Nagar P.S. Case No. 130 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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