

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48515 of 2024

Arising Out of PS. Case No.-1024 Year-2022 Thana- KHAGARIA District- Khagaria

Khantar Mandal @ Amit @ Amit Kumar, Son Of Makhhan Mandal, Village-
Abhiya Bazar, Ps- Gopalpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Yadav, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned Advocate appearing on behalf of the
petitioner and the learned Additional Public Prosecutor for the
State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Khagaria (Muffasil) P.S.
Case No. 1024 of 2022 registered for the offence punishable
under Sections 392 of the Indian Penal Code and Section 27 of
the Arms Act.

3. While the informant alongwith his brother-in-law
were going on motorcycle, in the meantime three miscreants
overtook their motorcycle and intercepted them. The unknown
miscreants on the point of pistol looted the motorcycle and fled
away.

4. Learned Advocate appearing on behalf of the
petitioner contended that admittedly the FIR has been instituted



against unknown miscreants however, during the course of investigation the petitioner was apprehended in connection with Kursela P.S. Case No. 208 of 2022 which was instituted under Section 25(1-b)a, 26 and 35 of the Arms Act and thereafter his name has been implicated in this case. The petitioner has never been put on Test Identification Parade, nor any incriminating material has been recovered. The Apache motorcycle, without there being any number plate, which is said to have been recovered from the possession of the petitioner is palpably incorrect. It is next contended that the crime in question is triable by the Magistrate and now the petitioner has been incarcerated since 13.11.2023.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner was apprehended with the looted motorcycle and a country made pistol.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody coupled with the fact that the offence is triable by the Magistrate, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with



Khagaria (Muffasil) P.S. Case No. 1024 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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