

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48784 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- Benta District- Darbhanga

Jeetendra Kumar Mandal S/o Jeebachh Mandal resident of village – Harwara,
P.S.- Yaddukuha, dist.- Janakpur (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Benta P.S. Case No. 14 of 2024, registered
for the offence punishable under Section 414 of the Indian Penal
Code.

3. In course of patrolling, the police having seen a red
coloured apache motorcycle without number plate tried to
intercept him. However, noticing the police party, the petitioner
tried to flee away but later on apprehended. On demand, the
petitioner failed to produce any papers with regard to the
ownership of the motorcycle.

4. Learned Advocate for the petitioner contended that
the present FIR is not proceeded by any complaint or FIR with



regard to the theft of the motorcycle, in question, which is said to have been recovered from his possession and, as such, no case much less under Section 414 of the Indian Penal Code is made out. It is further contended that in fact during the vehicle checking, certain altercation took place between the police and the petitioner, resulting into lodging of the present FIR. The petitioner bears fair antecedent and now he has been incarcerated since 25.04.2024; the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that prior to the institution of the present case, there is no complaint or FIR with regard to theft of the motorcycle, in question, coupled with the fact that the crime, in question, is triable by the Magistrate and the petitioner having fair antecedent, 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, Darbhanga in connection with Benta P.S. Case No. 14 of 2024, subject to the condition that one of the bailors will



be the local resident 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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