

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51588 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- BHAWANIPUR District- Purnia

Manoj Mandal @ Manoj Kumar @ Manoj Kumar Mandal son of Late
Maheshwar Mandal Village- Ajarpur PS- Chowasa Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 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 Bhawanipur P.S. Case No. 45 of 2024,
registered for the offence punishable under Section 394 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, while the informant was returning from
bank, after withdrawing an amount of Rs. 2,58,000/-, in the
meantime, two persons riding on *Apache* motorcycle with fire
arms, chased the informant and shot, due to which the informant
has sustained injuries. It is also alleged that thereafter the
miscreants robbed the aforementioned cash amount and fled away.

4. Learned Advocate for the petitioner contended that
FIR has been instituted against unknown miscreants. However,



during the course of investigation, on the basis of a sim card, which is said to have been subject matter of the crime, the petitioner was apprehended and the same is recovered from his possession. Save and except the aforesaid fact, there is no material suggesting the complicity of the petitioner in crime. Neither the petitioner has been put on Test Identification Parade nor any other incriminating material has been recovered from the possession of the petitioner. So far the sim card allegedly recovered from the possession of the petitioner is concerned, the same is completely denied by the petitioner. Be that as it may, now the petitioner is a man of fair antecedent and he has been incarcerated since 27.02.2024. 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 and submits that the sim card which is subject matter of the crime has been recovered from the possession of the petitioner and, as such, his involvement in the crime cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and charge-sheet has been submitted without putting the petitioner on Test Identification



Parade, coupled with the 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, Purnea in connection with Bhawanipur P.S. Case No. 45 of 2024, 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)

shivank/-

U		T	
---	--	---	--

