

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62669 of 2024

Arising Out of PS. Case No.-1092 Year-2023 Thana- ARARIA District- Araria

Rajesh Kumar Mandal @ Raja @ Rajesh Kumar, Gender-Male, aged about 24 years, Son of Dhukhai Mandal, R/O Vill.- Bagnagar, Ward No. 3, P.S.- Mahalgaon, Dist.- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kumar Ravish, Advocate

For the Opposite Party : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Araria P.S. Case No. 1092 of 2023 dated 13.11.2023 registered for the offence punishable under Section 392 of the I.P.C. Later on, Sections 411 of the I.P.C. and Sections 25(1-B)a, 26 and 35 of the Arms Act were also added.

3. As per the prosecution case, on 13.11.2023, the informant went to *Diyari* and *Diyaganj, Araria* from his office situated at *Jalalgarh, Purnea* and collected Rs. 1,24,994/- from the customers. It is further alleged that as soon as he proceeded



from his motorcycle with Rs. 1,24,994/- kept in a bag, near *Diyaganj*, three unknown miscreants boarded on two motorcycles, stopped their motorcycles in front of the informant's motorcycle and thereafter one of the miscreants pointed *katta* on him and other miscreants who were boarded on another motorcycle, snatched the said bag containing Rs. 1,24,994/-, documents of IIFL Finance Company, receipts of collected money from the customers, minute book, original ID card, and xerox copy of the Aadhar card, learning driving license ad xerox copy of the Pan card, Power Bank and data cable. The miscreants covered their faces from towel.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of the confessional statement of the co-accused Nishikant Kumar and Sonu Mandal which has got no evidentiary value in the eye of law. Moreover, the said co-accused persons Nishikant Kumar and Sonu Mandal have already been granted bail by a Bench of this Court vide Cr. Misc. No. 33825 of 2024 under order dated 13.05.2024 and Cr. Misc. No. 43735 of 2024 under order dated 20.07.2024, annexed as Annexures-P/2 and P/3 to the present



bail application. It is further submitted that no recovery of any looted articles was recovered from the possession of the petitioner. The petitioner has not been put on T.I. Parade. He was not apprehended on the spot. The petitioner has four criminal antecedents and in two cases, he is on bail as stated in paragraph no. 5 of the supplementary affidavit filed on behalf of the petitioner. He is in custody in this case since 23.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Araria in connection with Araria P.S. Case No. 1092 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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