

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60886 of 2024

Arising Out of PS. Case No.-984 Year-2022 Thana- ARARIA District- Araria

Rajesh Kumar Mandal @ Raja @ Rajesh Kumar, Son of Dhukhai Mandal
Village- Bagnagar, Ward No. 03, Police Station- Mahalgaon, District-Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 47989 of 2024

Arising Out of PS. Case No.-984 Year-2022 Thana- ARARIA District- Araria

Sonu Mandal @ Sonu Kumar son of Jageshwar Mandal Village- Bagnagar,
Ward No. 02, PS- Mahalgaon Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 60886 of 2024)
For the Petitioner/s : Mr. Kumar Ravish, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP
(In CRIMINAL MISCELLANEOUS No. 47989 of 2024)
For the Petitioner/s : Mr. Siddhi Aashana, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 206-09-2024
1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.

2. Heard learned counsel for the petitioners and the learned APP for the State.



3. Petitioners seek regular bail in connection with Araria P.S. Case No. 984 of 2022 dated 14.11.2022 registered for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of Arms Act.

4. Learned counsel for the petitioners submits that in respect of the petitioners involvement in the alleged crime of loot, the police/prosecution is mainly relying upon the confessional statement of co-accused Nishikant Kumar recorded by him before the police, except this, there is no material against them and the said co-accused Nishikant Kumar has been granted bail by this court vide order dated 26.07.2024 passed in Cr. Misc. No. 32612 of 2024 and while granting privilege of bail to the said co-accused this court mainly took into account the facts that the age of the miscreants opined by the informant did not match to the age of the co-accused Nishikant Kumar and the same situation is available in respect of the petitioners as both are said to be the aged about 24 years and 20 years respectively and further after the arrest, no incriminating material or any part of the looted articles was recovered from the possession of the petitioners and both were not put on test identification parade, so there is no any evidence or material to show their involvement in the alleged crime except the confessional



statement of co-accused Nishikant Kumar who is on bail. It is further submitted that though against petitioner Rajesh Kumar Mandal @ Raja @ Rajesh Kumar, there are criminal antecedents of four cases out of them he is on bail in three cases and against the petitioner Sonu Mandal @ Sonu Kumar, there are criminal antecedents of five cases out of which he is on bail in two cases. It is further submitted that in fact the petitioners were arrested in Araria P.S. Case No. 1092 of 2023 and only thereafter they were remanded in their antecedents cases one by one and the investigation has been completed against the petitioners.

5. Learned APPs appearing for the State have opposed the bail prayer of the petitioners.

6. Having considered the above submissions made above and mainly the facts that in respect of the petitioners' involvement in the alleged crime of loot, the prosecution is mainly relying upon the confessional statement of co-accused Nishikant Kumar recorded by him before the police who is on bail and also coupled with the completion of investigation against the petitioners, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners named-above be released on bail on furnishing bail bonds of Rs.10,000/-(Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Araria P.S. Case No. 984 of 2022.

(Shailendra Singh, J)

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