

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62046 of 2023

Arising Out of PS. Case No.-164 Year-2016 Thana- PIRPAINTI District- Bhagalpur

BIKASH KUMAR @ BIKKY MANDAL SON OF SUNIL MANDAL
VILLAGE PAKKI SARAI PS GHOGHA DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Pirpainty P.S. Case No. 164 of 2016 registered for the offences
punishable under Section 394 of the IPC.

3. As per prosecution case, accused persons tied
the hands and legs of the informant and his brother-in-law and
left them in jungle and took away tractor and it is alleged that
somehow informant managed to untie himself and reached and
contacted the owner of the tractor and FIR has been lodged
against unknown miscreants.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 01.06.2023 and bears criminal
antecedent of four cases in which he is on bail. Charge sheet



has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the FIR has been lodged against unknown in 2016 and the petitioner has been remanded in the present case in 2023 on 25.05.2023 from the Kahalgaon(Ghogha) P.S. Case No. 416 of 2023 and it has been submitted that it is unimaginable that the petitioner's confession has been obtained in 2016 as it has been mentioned during the course of the investigation that petitioner is wanting in the present case for arresting. Basically, nothing has been recovered from his possession. He has been made accused in the present case just because of previous criminal antecedent. During the course of investigation, it appears that there is no any basis to rope the present petitioner in the alleged occurrence. The investigation is quite vague and there is no tangible evidence to connect the present petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Pirpainty P.S. Case No. 164 of 2016, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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