

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61261 of 2023

Arising Out of PS. Case No.-417 Year-2023 Thana- AMARPUR District- Banka

Rahul Mandal, Son Of Gudo Mandal Resident Of Village Pawai P.S Amarpur
District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 77004 of 2023

Arising Out of PS. Case No.-417 Year-2023 Thana- AMARPUR District- Banka

Pankaj Mandal S/O Gorelal Mandal Village- Pawai, P.S. Amarpur, Dist.
Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 61261 of 2023)
For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 77004 of 2023)
For the Petitioner/s : Mr. Sudhir Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 27-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Amarpur P.S. Case No. 417 of 2023, lodged on 09.06.2023
under Sections 461, 379 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged



against two named accused persons who are supposed to be the petitioners in the present case with allegation that they were involved in commission of theft at the shop of the informant and subsequently, some of the articles have been recovered from the possession of the petitioner of first case namely Rahul Mandal.

4. Learned counsel for the petitioners submit that there is no recovery from the possession of the petitioner of second case namely Pankaj Mandal and his name has come in this case which was supported by the co-accused. Counsel further submits that the antecedent of the petitioners are not clean and there are three criminal cases pending against both the petitioners. The petitioner namely Rahul Mandal is in custody since 10.06.2023 and petitioner namely Pankaj Mandal is in custody since 28.07.2023.

5. Learned counsel for the petitioners submit that the offence in which the case has been filed is of magisterial triable. Counsel also submits that the charge-sheet has already been filed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that both the accused persons were identified by the informant himself as upon noise, they threatened the informant to keep mum. Counsel also submits



that case diary as well as report has been called for which has been received and present on record.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioners above named be granted bail**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 417 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. However, the petitioners shall be granted bail only on being satisfied by the Trial Court that the petitioners are not absconding in any of the cases pending against them whose details are as follows:-

- (I)- Amarpur P.S. Case No. 58 of 2022.
- (II)- Amarpur P.S. Case No. 439 of 2022.
- (III)- Amarpur P.S. Case No. 194 of 2023.

(Dr. Anshuman, J.)

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