

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68718 of 2024

Arising Out of PS. Case No.-21 Year-2015 Thana- LAXMIPUR District- Jamui

Sunil Mandal S/o Sahdev Mandal R/o Village- Karnpur, PS- Laxmipur, DIST-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Raj, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2024 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner seeks regular bail in
connection with Laxmipur P.S. Case No. 21 of 2015,
registered for the offences punishable under
Sections 364A, 458 and 34 of the Indian Penal Code
and Sections 3 and 4 of the Explosive Substance
Act.

3. The case of the prosecution, in brief, is
that on the alleged date and time of occurrence i.e.
on 05.02.2015, 10-11 unknown accused persons
had entered the house of the informant, looted gold
and silver jewellery and abducted the son of the
informant, namely, Harish Chandra, whereafter they
had taken him to the Jungle.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner further submits that though the petitioner is an accused in one another case, however, he is on bail in the said case. It is also submitted that five co-accused persons have already stood acquitted by the learned Court of Additional Session Judge-IV-cum-Special Judge, Excise-II, Jamui by a judgment dated 19.04.2022, passed in Sessions Trial No. 256 of 2015/Sessions Trial No. 222 of 2018 (arising out of Laxmipur P.S. Case No. 21 of 2015), hence a sympathetic view be taken and the petitioner be granted the privilege of bail, more so, since the petitioner has not been identified to be one of the accused person who had abducted the son of the informant, apart from the fact that no looted articles have been recovered from his possession as also he is languishing in custody since 17.05.2024.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the co-accused persons have already stood acquitted by the learned trial court by a judgment dated 19.04.2022, apart from the fact that neither the petitioner has been identified to be one of the perpetrator of crime nor any looted articles have been recovered from his possession, hence benefit of doubt can be granted to the petitioner for the purposes of admitting him to the privilege of bail.

7. Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jamui in connection with Laxmipur P.S. Case No. 21 of 2015.

(Mohit Kumar Shah, J)

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