

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27728 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- SAHARGHAT District- Madhubani

Gautam Mandal @ Gautam Kumar Mandal @ Gautam Kumar S/O Umesh
Mandal R/O- Village- Uttara, P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Ms.Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Saharghat P.S. Case No. 05 of 2025 instituted for the offences
under Section 309(4) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, four unknown motorcycle-
borne miscreants have snatched the motorcycle and mobile of
the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
Learned counsel for the petitioner submits that there is delay of
three days in lodging the F.I.R. which creates doubt in the



veracity of the prosecution case. The petitioner is not named in the F.I.R. and his name has surfaced in this case in course of investigation. Later on, the petitioner was arrested and his confessional statement was recorded under duress which has no evidentiary value in the eye of law. The petitioner lives in a joint house where several family members of the petitioner reside. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has one criminal antecedent and is languishing in judicial custody since 30.01.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the police has recovered the looted motorcycle of the Informant from the house of the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed,*** on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned



Court in connection with Saharghat P.S. Case No. 05 of 2025,
subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family
members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall
be properly represented on each and every date fixed by the
court and shall remain physically present as directed by the
Court and in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(Rudra Prakash Mishra, J)

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