

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82567 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- KURSAILA District- Katihar

Awadhesh Mandal @ Awdhesh Mandal @ Awadha Son of Laxman Mandal
Resident of Village- Maliniya, PS- Kursela, District -Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-12-2025 Heard Mr. Bimal Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Kursela P.S. Case No. 43 of 2025 for the offence punishable under Sections 111(1), 310(4) and 310(5) of the Bhartiya Nyaya Sanhita, Sections 25(i-b)a, 26 and 35 of the Arms Act and Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic Substances Act lodged on 22.02.2025 by the informant, Guddu Kumar.

3. As per the prosecution story, the Police on secret information about movement of criminals apprehended Pinku Yadav, Praveen Yadav and Md. Tofizul who gave the names of those who escaped as Vipin Yadav, Dinesh Mandal and Awadhesh Mandal (petitioner herein). From those who were arrested, there is recovery/seizure of country made rifle, four cartridges and two live cartridges beside the mobiles. Further,



there was recovery of 10.37 grams of smack. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession but his name has come in the confessional statement of those arrested which led to his jail custody from 16.10.2025. The last submission is that Pinku Yadav and Praveen Yadav have been extended bail by a Coordinate Bench in Cr. Misc. No. 35031 of 2025 (Annexure P-2/1).

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedents.

6. Taking into account the submission of the parties coupled with the fact that co-accused persons have been granted bail, as stated above, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (NDPS Act), Katihar in connection with Kursela P.S. Case No. 43 of 2025 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

(Rajiv Roy, J)

Adnan/-

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