

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85638 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- KHUTAUNA District- Madhubani

Rupesh Kumar Mandal S/o- Binod Kumar Mandal @ Binod Mandal Village-
Dahapatti Ps- Khutauna Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

ORAL ORDER

4 27-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Khutauna P.S. Case No. 117 of 2024 instituted for the offences
under Sections 317(4), 317(5), 3(5) of the B.N.S., 2023.

3. As per prosecution case, the police, on receipt of
secret information, apprehended two motorcycle-borne accused
persons including the petitioner and, on search, recovered total
15 mobile phones from their possession.

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
merely on the basis of suspicion. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized article. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 16.08.2024 without any rhymes or reason. Other co-accused has been granted bail by this Court vide order dated 17-12-2024, passed in Cr. Misc. No. 85991 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to 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 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 Khutauna P.S. Case No. 117 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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