

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90259 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- KURSAILA District- Katihar

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Suman Kumar Mandal @ Suman Mandal S/o Ayodhya Prasad Mandal R/o
Vill - Balu Tola, P.S.- Kursela, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr. Pawan Kumar Singh, learned counsel

for the petitioner and Mr. Raj Kishor Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.07.2024 in connection with Kursela P.S. Case No. 127 of
2024, F.I.R. dated 13.07.2024 for the offences punishable under
Section 309(4) of Bhartiya Nyaya Sanhita.

3. According to prosecution case, three miscreants
intercepted the way of the informant and assaulted him and also
looted his motorcycle and fled away.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired during investigation on the basis of the statement recorded before the police and thereafter the police have recovered motorcycle in question on basis of the statement of the petitioner. He further submits that the confession made before the police is not admissible in the eye of law. He further submits that it appears from the seizure list that there is non compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.07.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he is not named in the F.I.R, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Kursela P.S. Case No. 127 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate 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



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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