

(2020) 07 PAT CK 0033

Patna High Court

Case No: Criminal Miscellaneous No. 19826 Of 2020

Sanoj Kumar Mandal @ Sanoj
Mandal @ Sanoj Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: July 6, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 341, 323, 385, 387, 406, 420

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Diwakar Upadhyaya, Mithilesh Kumar Khare

Final Decision: Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Diwakar Upadhyaya, learned counsel for the petitioner and Mr. Mithilesh Kumar Khare, learned Additional Public Prosecutor

(hereinafter referred to as the "APP"™) for the State.

3. The petitioner is in custody in connection with Sultanganj PS Case No. 332/2019 dated 24.12.2019 instituted under Sections

341/323/385/387/406/420/34 of the Indian Penal Code.

4. The allegation against the petitioner is that at his house, his younger brother and two other persons had come and had abused and assaulted the informant and had also forcibly taken his money and printer.

5. Learned counsel for the petitioner submitted that in the F.I.R. itself it has been stated that the petitioner had paid the installment to the informant

with regard to the loan taken by his wife and after that it has been stated that three persons came, one being the younger brother of the petitioner, and

they are said to have taken away the money and the printer and also abused and assaulted the informant. Learned counsel submitted that the

petitioner had already given the installment to the informant and thus there could not have been any occasion for him to assault or take away the

money and printer and that too, in his house. Learned counsel submitted that later, at the instance of the petitioner, the money and printer have also

been returned to the informant. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 24.12.2019.

6. Learned APP submitted that at the petitioner's house, the incident had taken place and thus he cannot be said to be innocent. However, he

could not controvert the fact, which has been recorded in the order of the Court below, that at the instance of the petitioner the entire money and

printer have been returned.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail

upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional

Chief Judicial Magistrate-I, Bhagalpur, or successor court in Sultanganj PS Case No. 332/2019, subject to the conditions (i) that one of the bailors shall

be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii)

that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the

witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall

cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without

sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.