

In the Court of Sessions Judge, Darbhanga.**A.B.P. No. 1199/2026**

1.Prakash Kumar Mandal son of Binod Kumar Mandal
R/o Village- Bhalpatti PS- Bhalpatti District- Darbhanga-----Petitioner.

Versus

The State of Bihar Opposite Party.

For the petitioner : Sri Birendar Kumar Singh, Learned Advocate.

For the O.P.(State): Shri Amrendra Nr. Jha, Learned Public Prosecutor.

ORDER

25.07.2026 Application for anticipatory bail has been filed on behalf of the petitioner namely **Prakash Kumar Mandal**, who is apprehending his arrest in connection with Nehra P.S. Case No. 77/2026 allegedly instituted for the offence U/s 309(4) of the Bharitya Nyay Sanhita, pressed today.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor for the State.

3. The allegation is that on the alleged date of occurrence of 01.06.2026 at about 10.15 PM the informant closed his Ice-cream shop and was returning to his house through Nehra Road and when he reached in between Dhusi and Tarauni then three persons who were riding a motorcycle came from the opposite direction and thereafter they started following the informant and stopped his vehicle. All these three riders had covered their face with a cloth and they were carrying sharp weapon due to which the informant got scared. The miscreants stretched a knife toward the informant and snatched a mobile and other articles from his pocket. The miscreants also snatched away locket of Bajragbali worth Rs.15,000/- from the neck of the informant and held out threat that if he would utter anything then they would do away with his life. The informant having been frightened remained silent and the miscreants after committed loot and also took away the Hero Passion Pro Motorcycle of the informant bearing registration number BR07AR9177.

4. It is submitted on behalf of the petitioner that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. It has further been submitted that no occurrence has ever alleged or taken place as alleged in the First Information report rather the present case

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is outcome of police mechanism at the instance of the informant. It is further submitted that petitioner is not named in the First Information Report, rather his name has been surfaced in this case on the confessional statement of co-accused Ashish Kumar Das before the police, which has got no legal value. He further submitted that accused petitioner has not arrested on the spot and nothing incriminating has been recovered from the conscious possession of accused petitioner. The accused petitioner has no criminal antecedent. Hence, the petitioner may be granted the privilege of anticipatory bail.

6. Heard and perused the case diary. Para-07 of the case diary reflects re-statement of the informant supporting the occurrence. Para-11 of the case diary reflects description of place of occurrence which appears situated at road in between Lulwa Chowk and Paithan Kabai. Para no. 8,9 reflects statement of witness supporting the occurrence and stated that all these miscreants have covered their face by cloth. Para-65 & 66 of the case diary reflects CDR and SDR of looted mobile and the said mobile having sim number 7984825510 is being used by one Tuntun Chaupal son of Sudhir Chaupal. Para-79 of the case diary reflects confessional statement of accused Ashish Kumar Das, who stated about his complicity as well as involvement of accused-petitioner Prakash Kumar Mandal in the occurrence and also stated that he sold looted golden Hanumani in the Jewellery shop of Durganand Thakur. Para-84 of the case diary reflects that looted golden Hanumani in the melted form has been recovered from the shop of accused Durganand Thakur. Para-89 of the case diary reflects confessional statement of accused Govind Kumar, who confessed his complicity in this case and also stated that he handed over the looted motorcycle bearing registration number BR07AR9177 to his associate Saket Kumar. Para-95 of the case diary reflects statement of accused Pankaj Kumar Sah, who runs a mobile shop situated at Shahid Surya Narayan Gate, Narpatnagar and stated that accused-petitioner Parakash Kumar and Ashish

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Kumar came at his shop and sold one mobile and he purchased it on the consideration amount of Rs.2500/- and subsequently he sell the same to one Tuntun Chaupal on consideration amount of Rs.3000/-. Para-94 of the case diary reflects statement of accused Tuntun Chaupal, who stated that he purchased the mobile from the shop of accused Pankaj Kumar Sah on consideration amount of Rs.3000/- Para-118 of the case diary reflects clean antecedent of accused petitioner.

7. Under the facts and circumstances of the present case, the petitioner has found to be involved in a case of dacoity, looted ornament and mobile have been recovered on the confessional statement of co-accused and name of this petitioner has surfaced on record as one of the active participant in the crime and investigation is still under progress, the Court is not inclined to grant privilege of anticipatory bail to the petitioner at this stage, which consequently stands **rejected**.

Dictated

(Ajay Kumar Sharma)
Sessions Judge, Darbhanga
25.07.2026.