

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7188 of 2016

Arising Out of PS.Case No. -375 Year- 2015 Thana -SAHARSA District- SAHARSA

Mikki Chaubey son of Late Mahendra Chaubey, Resident of Mohalla -
Mishra Tola, P.S. + District - Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Nand Kumar (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 18-04-2016 At the very outset, Sri Pramod Mishra, learned counsel
for the petitioner submits that due to inadvertence, in paragraph-3
of the petition, disclosure of involvement of the petitioner only in
three cases has been made, whereas the fact is that the petitioner is
accused in eight cases.

Heard learned counsel for the petitioner and Sri Nand
Kumar, learned Addl. Public Prosecutor.

The petitioner, who is in custody since 11.08.2015 in
Saharsa P.S. Case no.375/2015 registered for the offence under
Section 394 of the Indian Penal Code and Section 27 of the Arms
Act, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that F.I.R. was lodged against unknown. Though the petitioner



was remanded in the present case from another case, the petitioner was never put on T.I.Parade. However, the petitioner was made accused on the basis of statements of some witnesses, who disclosed that they have seen the petitioner along with two accused persons fleeing away after committing the occurrence. He further submits that other two accused persons, namely, Bidyanand Sharma @Bidyanand Kumar Sharma and Roushan Yadav @ Raushan Yadav have been granted bail by a Bench of this Court vide Cr.Misc.No. 50443 of 2015 and Cr.Misc.No.6857 of 2016 (Annexures 2 and 3 respectively). He submits that the petitioner's case stands on similar footing.

Learned Addl. Public Prosecutor has opposed the prayer for bail. He submits that witnesses have seen the petitioner along with other two accused persons fleeing away immediately after committing the occurrence and, as such, there is specific accusation against the petitioner.

Keeping in view of fact that other two accused persons in similar circumstances have already been granted bail, there is no reason to deny the prayer for bail of the petitioner. Let the petitioner, namely, Mikki Chaubey be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief

Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case no.375/2015 with conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) during trial the petitioner shall remain physically present on each and every date before the court below. If continuously on two dates, the petitioner remains absent without prior permission of the trial court, his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

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