

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58597 of 2015

Arising Out of PS.Case No. -155 Year- 2011 Thana -KAHALGAON District- BHAGALPUR

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1. Hirday Narayan Mishra @ Bawa S/o Jay Narayan Mishra, Resident of
Village Pashahi Chak, P.S. - Ishipur Barahat, District - Bhagalpur.
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Kahalgaon
(Shiv Narainpur) P.S. Case No. 155 of 2011 registered for the
offence punishable under Section 392 of the Indian Penal Code.

The petitioner is not named in the First Information
Report but during investigation, on the basis of call details, police
detected that the looted mobile phone was being used by inserting
another SIM which stands in the name of one Saraswati Devi,
mother of co-accused Lalu Singh @ Baskendra Singh and
thereafter the house of Lalu Singh @ Baskendra Singh was raided
and looted mobiles were recovered and further after arrest Lalu
Singh @ Baskendra Singh confessed his guilt also stating the
name of the petitioner.

Submission is of false implication and that co-accused

Lalu Singh @ Baskendra Singh and further Jaiprakash Yadav have been allowed bail and the petitioner suffering in custody since 01.11.2015, deserves sympathetic consideration.

The learned A.P.P. submits that the petitioner has got criminal antecedent and some of the witnesses have named the petitioner also.

In the facts and circumstances stated above, considering that two co-accused have already been allowed bail and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri. Rajeev Ranjan Raman, learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Kahalgaon (Shiv Narainpur) P.S. Case No. 155 of 2011 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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