

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52815 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -THAWE District- GOPALGANJ

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Golu Kumar Mishra, son of Harendra Mishra, Resident of Village- Maluahi,
P.S. Mufassil, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
11.09.2016 in connection with Thawe P.S. Case No. 121/16
registered for the offences punishable under Sections 399, 402,
414 of the Indian Penal Code and under Sections 25(1-b) a, 26, 35
of the Arms Act.

The prosecution case, as lodged by the police, is that
on confidential information they reached the place of occurrence
and saw 8-10 persons assembled and from their possession pistols,
live cartridges, mobile phones and motorcycles were recovered.

It has been submitted by the learned counsel for the
petitioner that he is innocent, has no criminal antecedent and



nothing has been recovered from his possession. He submits that petitioner had gone to Vishnu Sugar Mill where his father is an employee and the incident occurred on the gate of the said sugar mill. He further submits that on the confessional statement of two co-accused Ahmad Ali and Saddam Ali his name surfaced, which has no evidentiary value in the eye of law. It is further submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances and submission of the parties, since charge sheet has been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 121/16, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned police station/ court and that the petitioner is directed to appear before the court below as and when



required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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