

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38216 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -KATRAHA District- VAISHALI(HAJIPUR)

1. Nikhil Kumar Mishra Son of Sudesh Kumar Mishra@Suresh Kr.Mishra
Resident of Village- Pahetiya, PS Sadar Hajipur, District Vaishali.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sri Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kartahan P.S. Case No. 40 of 2016 registered for the offences punishable under Sections 412, 413, 414, 419, 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 25(1-B)A, 26/35 of the Arms Act.

Allegedly, acting on a tip off that in the house of Md. Shahid Ekbal engine number and chassis number of looted vehicles are being changed by punching machine, the Police went there. After seeing the Police party four persons started fleeing away but the petitioner and two others were arrested, from possession of the petitioner one live cartridge of 315 bore, one mobile of Samsung company having Airtel and Aircel SIM were recovered and further vehicles were recovered besides other incriminating articles. It is also alleged that after changing the number of vehicles the same are being sold and papers are also

being prepared by the D.T.O. Office.

Submission is of false implication and that the petitioner has been made victim of circumstances, he was a simple passer by and was apprehended and wrong recovery has been shown, resulting, he is suffering in custody since 05.07.2016. He is to appear in examination of MBA 4th Semester and as such he deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering the alleged recovery and period of custody, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Kartahan P.S. Case No. 40 of 2016, subject to the conditions that one of the bailors must be a 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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