

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29750 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -DAWATH District- SASARAM (ROHTAS)

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Baliram Mishra @ Bade Mishra @ Bade Miya, Son of Umakant Mishra,
Resident of Village- Bahuara, P.S. Itarhi, District Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Pd. Singh, Sr. Advocate
Mr. Surendra Kumar Choubey

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offence under Section 395 of the Indian Penal Code. Later on, Section 412 of the I.P.C. was also added.

The prosecution case, in short, is that on the alleged date and time of occurrence the informant along with his neighbour was going to Maliyabag Bazar on Pulsar motorcycle and when they reached near G.D. Public School, five accused persons, who were on two motorcycles, surrounded them and two of them pointed with katta and due to fear they stood in corner leaving the motorcycle. Two of the criminals fled away with the informant's motorcycle. The informant informed the police, who came there and recorded his fardbeyan but the informant could not

identify them due to cover of their face.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.1.2016 and charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. In course of investigation his name has appeared in the present case. The petitioner has been made accused due to mistake of fact. It is further submitted that the petitioner may be released after completion of one year in custody from 28.1.2016.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail after completion of one year in custody from 28.1.2016 on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bikramganj, Rohtas in connection with Dawath P.S. case No.7 of 2016.

(Sudhir Singh, J)

Narendra/-

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