

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33909 of 2017

Arising Out of PS.Case No. -90 Year- 2017 Thana -BIHIYA District- BHOJPUR

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1. Mintu Mishra @ Rajiv Kumar Mishra, aged about 19 Years S/o Sri Shiv Narain Mishra resident of Village- Dharhara, P.S.- Bihiya, Distt- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-08-2017 The petitioner seeks regular bail in connection with Bihiya P.S. Case No. 90 of 2017, registered for offences punishable under Section 379 of the Indian Penal Code.

Allegation against the petitioner and other co-accused of this case is of stealing the motorcycle of the informant.

It has been submitted on behalf of the petitioner that he has not been named in the F.I.R, his name has surfaced in this case only on the basis of confessional statement of co-accused and except that there is nothing against him. It has further been submitted that no recovery has been made from the possession of the petitioner or from his house and he has been in custody since 10.04.2017 and has no criminal antecedent and other co-accused on whose confession the name of petitioner, transpired has already



been granted bail by this Court vide order dated 21.07.2017, passed in Criminal Miscellaneous No. 31900 of 2017.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that petitioner's name transpired in this case only on the basis of confessional statement of co-accused and except that there is nothing against the petitioner and also other co-accused has already been granted bail, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 90 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event



of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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