

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33695 of 2017

Arising Out of PS.Case No. -382 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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1. Bihari Mishra @ Vikash Mishra, S/o Chumman Mishra, R/o Village-Bishanpur, P.S.- Barauni (Chakia), Dist- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Smt. Asha Devi

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 26.10.2016 in connection with Barauni (Chakiya) P.S. Case No. 382 of 2016 for offences punishable under Sections 115, 353, 307, 341 of the Indian Penal Code and Sections 25(1-a-a), 26/35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that on information that one veteran criminal, namely, Ajit Singh @ Shutar, who has come out of the jail, is planning for some major crime, the police raided the place and large number of persons managed to flee away but the petitioner along with Ajit Singh @ Shutar was apprehended. From the



possession of Ajit Singh @ Shutar a number of fire-arms, carbine, automatic pistol, country-made pistol, cartridges etc was recovered. From the possession of the petitioner one country-made loaded pistol was recovered and the pistol smelled of recent firing. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he has one more case pending against him in which also he was not named in the First Information Report and his name surfaced on the confessional statement of said Ajit Singh @ Shutar and he is on bail in that case. He further submits that no overt act has been alleged to have been committed by the petitioner and considering the period of custody a sympathetic consideration be given. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was in the company of veteran criminal Ajit Singh @ Shutar, who has a long list of criminal history.

Considering the facts and circumstances and the



materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Barauni (Chakia) P.S. Case No. 382 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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