

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6015 of 2017

Arising Out of PS.Case No. -29 Year- 2016 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

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Shiv Kumar Mishra @ Shiva, s/o- Late Madan Mishra, resident of village
Bonodpur, P.S.- Mufassil (Singhaul), District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Narayan,
Mrs. Nirmala Kumari

For the Opposite Party/s : Mr. Parmanand Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 16-03-2017 Heard the Counsel for the petitioner and the APP for
the State.

Petitioner is languishing in jail custody since 18th
August, 2016 in connection with Barauni Rail P.S. Case No. 29 of
2016 for the offences punishable under section 379 IPC.

In nutshell, the allegation is that the vanity bag
carried by the informant and another co-passenger were lifted at
the Barauni Junction by the unknown criminals. The contention of
the petitioner is that no test identification was made although one
recovery of mobile has been allegedly made from the possession
of the wife of the petitioner but the IMEI number thereof does not
tally with the five mobiles allegedly stolen. In this connection, he
has drawn attention of this Court to paragraph 15 and 62 of the
case diary. It is further submitted that another co-accused namely



Dilip Mahto having identical allegation has been granted bail by this Court in Cr. Misc. No. 52458 of 2016 vide order dated 07.12.2016.

Considering the aforesaid and the materials reflecting from the record, I am persuaded to direct release of the petitioner.

Let the petitioner abovenamed be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anwar Shamim, A.C.J.M., Railways, Barauni in Barauni Rail P.S. Case No. 29 of 2016 subject to the following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

Pankaj/-

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