

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30523 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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1. Shashibhusan Mishra Son of Purendru Misha @ Purendra Mishra
Resident of Village- Gangwara, P.S.- Runni Saidpur, District Sitamarhi,
Bihar.Also at Mohalla- Sikandarpur, P.S. Town, District Muzaffarpur,
Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Manish Kumar 2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.02.2017 in connection with Ahiapur P.S. Case No. 32/2017 for
offences punishable under Sections 392 of the Indian Penal Code,
which was later on converted into Section 395 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that while he was returning to Darbhanga in a Scorpio-Ex Car
along with other passengers, his son and wife, four miscreants
overtook the car and snatched their belongings along with cash
and mobile.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and has been falsely implicated on the basis of confessional statement of co-accused Satyam Kumar. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that another co-accused on similar allegations has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 27718/2017 on 12.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two cases of similar nature are pending against him.

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, Muzaffarpur, in connection with Ahiapur P.S. Case No. 32/2017, 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)

Rajesh/-

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