

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12351 of 2018

Arising Out of PS.Case No. -22 Year- 2018 Thana -RUPASPUR District- PATNA

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Niraj Kumar Mishra S/o Vinay Kumar Mishra, R/o Mohalla- Phulpura,
P.S.- Bidupur, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Sri Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 05-04-2018

Heard learned counsel for the petitioner and learned
APP for the State.

This is a case registered under Sections 353,
307,427/34 of the Indian Penal Code and Sections 25(1-B)
a/26(ii)/27/35 of the Arms Act.

It is submitted on behalf of the petitioner that he has
falsely been implicated in this case which is in relation to theft of
gold from the office of Muthut finance. He submits that his name
has been implicated in this case in the confessional statement of
the co-accused Subodh Singh along with whom he is alleged to
have been arrested from the vehicle. Recovery of Rs. 27000/-
alleged to be made from the petitioner is false. It is submitted that
petitioner is an active advocate and in support of his submission he
has placed on record the certificate of enrolment and Vakalatnama
filed by the petitioner showing that he has been taking cases of
the co-accused persons and on the basis of same he has falsely
been implicated in this case. He submits that the cases which have
been disclosed in Para 3 of the bail petition is in relation to a
private land dispute and he is on bail. He is in jail custody in



connection with this case since 21.01.2018.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **Additional Chief Judicial Magistrate II, Danapur, Patna in Rupaspur P.S. Case No. 22 of 2018** subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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