

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22944 of 2019

Arising Out of PS. Case No.-127 Year-2018 Thana- PATAHI District- East Champaran

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ARUN MISHRA @ ARUN KUMAR MISHRA, aged about 26 years, Male,
Son of Satyendra Kumar Mishra, Resident of Village - Karmawa, P.S.- Dhaka,
Distt.- East Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Pandey, Adv.
For the Opposite Party : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
26.09.2018 in connection with Patahi P.S. Case No. 127 of 2018
G.R. Case No. 4026 of 2018 for the offence alleged under
Section 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had withdrawn rupees two lakhs from the State
Bank of India, Patahi Branch, and was on his way to his house,
three motorcycle borne criminals injured him on the head with
the butt of pistol and also gave knife blow on the wrist and
snatched away the money.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the first information
report and during the course of investigation his name surfaced



in the confessional statement of co-accused, Jitendra Kumar, who has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 5650 of 2019, dated 05.02.2019. It is, further, submitted that the money has not been recovered from the possession of the petitioner and he is languishing in judicial custody since more than six months and charge sheet having been submitted, there being no allegation of tampering with the prosecution witnesses.

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

Considering the nature of allegations, the period of custody and that charge sheet has already been submitted, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Patahi P.S. Case No. 127 of 2018 G.R. Case No. 4026 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, VIII, East Champaran at Motihari, or the successor Court subject to the following conditions :

- (i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(iii) 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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