

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78162 of 2018

Arising Out of PS. Case No.-124 Year-2017 Thana- BALIYA District- Begusarai

Rajesh Mishra S/o Sri Bhola Mishra , R/o Vill.- Manserpur, P.S.- Ballia,
District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Sri Akbar Ali

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Ballia P.S. Case No. 124 of 2017 registered for the offence punishable under Sections 363/34 of the Indian Penal Code and later on Sections 302, 364 of the Indian Penal Code was added.

Informant is the father of deceased, who has stated that his son had gone to the Lakhminiya Computer Centre to know his result and since he did not return. He suspected 10 FIR named accused have kidnapped his son, subsequently the dead body of his son was recovered.

It has been submitted on behalf of the petitioner that he has been named in the FIR only on basis of suspicion and



except suspicion, there is no other incriminating material against petitioner. Petitioner has been implicated in this case only because he is having land dispute with the informant and even the D.S.P. who has supervised the case has found petitioner to be innocent and has been implicated only because he is having land dispute with the informant. It has been further submitted that similarly placed co-accused Ajay Mishra as named in the FIR has been granted bail by this Hon'ble Court vide order dated 28.01.2019 passed in Cr. Misc. No. 69800 of 2018. Petitioner is in custody since 07.01.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai, in connection with Ballia P.S. Case No. 124 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution



will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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