

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1136 of 2019

Arising Out of PS. Case No.-12 Year-2008 Thana- MUSRIGHRARI District- Samastipur

MANOJ MISHRA @ ASHOK MISHRA @ MANOJ KUMAR MISHRA @
ASHOK KUMAR MISHRA @ ASHOK KUMAR Son of Mohitkant Mishra
Resident of Mohalla- Morwa, Police station- Musarigharari, District-
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bulbul Devi W/O Sri Deo Kumar Jha Resident of Village - Morwa Dih Ward
No. 13 Police station- Musarigharari, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Sri Ajit Kumar

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 17-10-2019 Learned counsel for the parties are present and submits that the application may be heard under the heading “For Admission” as it has been wrongly listed under the heading “on Petition”. Since both the parties do not have any objection, the case is being heard and disposed off.

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

The petitioner is in custody since 04.07.2018 in connection with Musrigharari P.S. Case No. 12 of 2008 for the offence registered under Sections 147, 148, 149, 324, 326 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel appearing on behalf of the informant



has also filed *vakalatnama* and has stiffly resisted the present application for bail. He further submits that the application for bail is without any merit as the petitioner is a permanent absconder and he has been concealing himself since the year 2000 for which processes have been issued under Sections 82 and 83 of the Cr.P.C. against him and that the trial of the said case in which the petitioner was declared to be an absconder was disposed off in the year 2015 but the petitioner never appeared in the said case. He, thus, submits that this fact has been withheld from this Court which squarely disentitles him for privilege of bail.

Learned counsel for the petitioner submits that as on date despite any history which may have been provided by the informant before this Court today, the petitioner has not been remanded in connection with the aforementioned case which is alleged to have been concealed by the petitioner. It is further submitted that after 1995, the petitioner has remained out of station from his village home and is living in Delhi and he was not aware of the pendency of this case for the reason that the elder brother of the petitioner was murdered and, therefore, he had been compelled to leave the village out of fear. It is further submitted that it is only lately that when he came back to his



village, he was arrested in connection with the case under the Excise Act and, subsequently, he was remanded in connection with the present case and one other case. He thus, submits that to the best of his knowledge, it was only these two cases in which he was being prosecuted and, therefore, there is no question of withholding any factual knowledge from this Court.

So far as the present case is concerned, learned counsel for the petitioner submits that a plain perusal of the first information report reveals that the petitioner is merely a member of the crowd and no specific role has been attributed to him. The petitioner has been remanded in connection with the present case on 04.07.2018 and has already remained behind the Bar for over a year. He further submits that as and when required, he shall make himself available during the course of the trial and shall not abscond.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, 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 Chief Judicial Magistrate, Samastipur in connection with Musarigharari P.S. Case No. 12 of 2008, subject to the following conditions:-



1. One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.

2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

3. The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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