

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46081 of 2019

Arising Out of PS. Case No.-996 Year-2018 Thana- SAHARSA District- Saharsa

VIJAY MISHRA @ BIJAY KUMAR MISHRA Son of Digambar Mishra
Resident of Mohalla - Ward No. - 32, North R.M. College By Pass, Saharsa,
P.S.- Saharsa, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 504,506,34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Saharsa Sadar P.S. Case No. 996 of 2018.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of petty dispute over drainage as the parties are neighbours. Except bald accusation that the petitioner ran away after firing, there is no objective material to connect the petitioner with the alleged occurrence. No recovery of any incriminating articles have been made from the conscious possession of the petitioner. The petitioner is a retired headmaster, who claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Saharsa, in connection with Saharsa Sadar P.S. Case No. 996 of 2018, subject to the conditions as laid down under Section 438 (2)



Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That 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.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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