

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50344 of 2019

Arising Out of PS. Case No.-433 Year-2019 Thana- BETTIAH CITY District- West
Champaran

Shivam Mishra aged about 22 years (M) Son of Chhotan Mishra @ Pradeep
Mani Mishra, Resident of Village- Dwardevi Chowk Purani Gudri Ward No.
09, Police Station- Bettiah Town, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party : Mr.Rajendra Pd. Nat, App

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 147, 148, 149, 365, 323, 324, 307, 504 and
506 of the Indian Penal Code registered in connection with Bettiah
Town P.S. Case No. 433 of 2019.

3. It is submitted that the petitioner has been falsely
implicated and the FIR is against as many as 7 named accused
persons and 25 unknown persons all of whom are said to have taken
away the informant and assaulted him with lathi and fists and slaps.
The accusation of assault is not supported by the injury report which
discloses only two injuries on the person of the informant which are
simple in nature. The petitioner 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



Chief Judicial Magistrate, Bettiah, District West Champaran in connection with Bettiah Town P.S. Case No. 433 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with 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 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.

(iv) That the petitioner shall cooperate 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.

(Vikash Jain, J)

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