

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67460 of 2019

Arising Out of PS. Case No.-236 Year-2019 Thana- RAXAUL District- East Champaran

AMIT KUMAR MISHRA S/o Parbhu Mishra R/o village- Palanwa, P.S.-
Palanwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court proceeding.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 120B, 420, 406, 409, 182, 211, 34 of the Indian Penal Code.

The prosecution case, as per the self statement of Md. Ayub, Inspector-cum-S.H.O., Raxaul Police Station is to the effect that on 05.07.2019, Amit Kumar Mishra, the petitioner and his two associates came at the Police Station and filed a petition with regard to robbery of Rupees Eight Lacs from the Consumer Service Point by unknown persons, for which,



Raxaul P.S. Case No. 234 of 2019 was registered under section 392 of the I.P.C. and the informant along with other police personnel proceeded to investigate the case and when the informant reached to the place of occurrence and from the nearby people they came to know that in fact, no robbery has taken place. During further inquiry and from the footage of CCTV of Central Bank of India, the informant came to know that only co-accused, Krishna Mahto has withdrawn Rupees Eight Lac through two cheques from the bank account. Thereafter, from the statement of co-accused, Amit Kumar Mishra and the bank manger, the suspicion arose. Thereafter, the informant inquired from the aforesaid three persons. Consequently, the statement of co-accused, Krishana Mahto and Amit Kumar Mishra was recorded, from which, it appears that the younger brother of the informant, namely, Shani Kumar Mishra was present at the place of occurrence and co-accused, Krishna Mahto withdrew Rupees Eight Lacs from the bank and handed over the said money to Shani Kumar Mishra and lodged the false case.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence under Section 409 of the I.P.C is made out against the petitioner and



co-accused, Krishna Mahto who is alleged to have withdrawn money, has been granted bail by a Co-ordinate bench of this Court vide dated 17.01.2020, passed in Criminal Miscellaneous No. 71334 of 2019 when other co-accused, Abdul Rashid, has been granted bail vide order dated 25.11.2019, passed in Criminal Miscellaneous No. 70721 of 2019. Moreover, The petitioner is languishing in custody since 6-07-2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner tried to lodge a false case after withdrawing money themselves.

Considering the nature of accusation and in view the fact that main co-accused, Krishna Mahto has already been granted bail, by a Co-ordinate Bench of this Court, the investigation already being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned SDJM, Motihari, in connection with P.S. Case No. 236 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the



bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned SDJM, Motihari, in connection with P.S. Case No. 236 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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