

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17944 of 2021

Arising Out of PS. Case No.-65 Year-2016 Thana- BANKA District- Banka

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SALIYA NAND JHA @ SALIYA NAND MISHRA @ SHAILJA NAND
MISHRA S/O DURGA NAND MISHRA R/O VILLAGE-KHARRHARA,
P.S.-BARAHAT, DISTRICT-BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Banka (Barahat) P.S. Case No.65/2016 registered for the offences punishable under Sections 394 and 302 of the Indian Penal Code. He is in custody since 17.08.2020.

As per the prosecution story, on 04.02.2016 at about 9.00 pm the informant along with this truck driver Ajit Kumar Jha where going to load some stone chips, the driver had Rs.30,000/- in cash. It is alleged that at about 12.30-1.00 hours



in the night some miscreants on the strength of pistol overpowered the driver and demanded cash from him and on refusal killed him.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is not named in the FIR and his name has transpired in the confessional statement of the co-accused Md. Jakaul @ Jakku who has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.49417/2016.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Md. Jakaul @ Jakku and in course of argument learned counsel for the petitioner informs that the said Md. Jakaul @ Jakku has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.49417/2016 and some other co-accused have also been released on bail, so far as the present petitioner is concerned, he is in custody since 17.08.2020 and the case is fixed at the stage of framing of charge, this Court directs that the



petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka in connection with Banka (Barahat) P.S. Case No.65 of 2016, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in course of trial the petitioner shall put his appearance on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall lead to cancellation of bail of the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

