

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26518 of 2020

Arising Out of PS. Case No.-291 Year-2019 Thana- KORHA District- Katihar

RAJEEV KUMAR MISHRA Son of Devendra Kumar Mishra Resident of
Village - Korha, P.S. - Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-01-2021 Heard the learned counsel for the petitioner and
Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Korha PS case no. 291 of 2019 registered for
the offences punishable under Sections 392, 411/34 of Indian
Penal Code.

The case of the prosecution in brief is that on
26.07.2019, while the informant was returning home on a
motorcycle along with cash amount of Rs. 11.40 lakhs, which he
had withdrawn from the State Bank of India, some miscreants
had intercepted and assaulted him, whereafter they had fled and
taken away the cash money, however, on seeing the police, the
miscreants had thrown the said bag containing the cash money
and thereafter, the informant had got back his money.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is not having any complicity in the alleged occurrence. It is further submitted that similarly situated co-accused person has already been granted anticipatory bail vide order dated 17.09.2020, passed in Cr. Misc. no. 4059 of 2020, however he has been directed to join investigation and for that purposes, he has to appear before the Officer-in-charge of the concerned police station at 10 am on every Monday of the week.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and submitted that this Court in the case of one of the co-accused person has declined the privilege of anticipatory bail vide order dated 26.06.2020, passed in Cr. Misc. no. 8862 of 2020, however the reason assigned in the said case is also for the purposes of interrogation.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available



in the case diary, this Court is of the view that since in both the aforesaid two cases pertaining to the co-accused persons, the petitioners of the said cases have been directed to join investigation, whether it be by way of custodial interrogation or it be by appearing before the Officer-in-charge of the concerned Police Station on a fixed date and time, the petitioner herein can also be granted the privilege of anticipatory bail, however subject to the conditions imposed in the aforesaid Cr. Misc. no. 4059 of 2020 vide order dated 17.09.2020. Accordingly, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha PS case no. 291 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

This Court further directs that since the investigation of the present case is going on, the petitioner herein shall appear before the Officer-in-charge of the concerned police station on



each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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