

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40709 of 2020**

Arising Out of PS. Case No.-138 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Sujit Mishra aged about 23 years Son Of Uday Chandra Mishra Resident Of
Village- Shiv Nagar Bhandari, P.S. - Belsand, District - Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 03-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code and 27 Arms Act.

As per the prosecution case, three unknown miscreants riding on a motorcycle came and snatched a bag containing gold and silver ornaments from one Vinay Sah who was accompanied by informant's husband at the relevant time. On protest, one of the miscreants opened fire as a result of which said Vinay Sah sustained firearm injury. Victim was taken to Dr. Barun Kumar, Sitamarhi for treatment but he was declared dead. In course of investigation, the motorcycle used by the miscreants was found to be of the petitioner.

Learned counsel for the petitioner submits that the



petitioner is not named in the FIR. His name has figured in the case in confessional statement of co-accused. In the FIR, the informant has stated that white colour Apache motorcycle was used by the miscreants at the time of occurrence, whereas blue colour TVS Apache motorcycle has been recovered from the orchard of one Shambhu Mahto which belongs to the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Test Identification Parade has not been carried out till date. Charge sheet has already been submitted. Petitioner is in custody since 10.6.2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sitamarhi in Runni Saidpur Police Station Case No. 138 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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