

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9422 of 2021

Arising Out of PS. Case No.-190 Year-2018 Thana- BELSAND District- Sitamarhi

VIKASH MISHRA SON OF LAXMIKANT MISHRA @ LAXMIKANT
MISRA R/O VILL.- JAFARPUR, P.S.- BELSAND, DIST.- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 302/34 & 120B of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is that he along with 2-3 unknown persons had shot dead the husband of the informant.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He was not apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, on the alleged date of occurrence due to political rivalry some unknown persons have shot fire upon the deceased but due to enmity the informant has lodged this false and frivolous case against him. Similarly situated co-accused, namely, Diwakar Kumar Singh has been granted bail by a coordinate Bench in Cr. Misc. No.31151 of 2019 vide order dated 17.08.2019 and Laxmi Das has been granted bail by this Court in Cr. Misc. No.2587 of 2020 vide order dated 20.03.2020. Two criminal cases are already pending against the petitioner. The petitioner has been languishing in custody since 10.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in



connection with Belsand P.S. Case No.190 of 2018, subject to the following conditions :

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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