

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2088 of 2022

Arising Out of PS. Case No.-481 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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Dhiren Mistri @ Dhirendra Mistri S/o Late Ambika Mistri @ Ambika Mistri
R/o village- Parora, P.S.- K. Nagar, Distt.- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Mallick
For the Opposite Party/s	:	Mr. Murli Dhar
For the State	:	Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 07-12-2022 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with K.

Nagar P.S. Case No. 481 of 2019, registered for the

offences punishable under Sections 363, 365 of the Indian

Penal Code and later on Section 302, 201 and 120 B of the

Indian Penal code was added.

The prosecution story as emerges from the FIR is

that husband of the informant is missing since 23.11.2019.

He was last seen with the co-villagers Santosh Yadav,

Dhirendra Mistri and Sanjay Mistri. She further alleged that

her husband had enmity with Santosh Yadav and his brother



for the last 20 years.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the only allegation against the petitioner is that the deceased, Avdesh Kumar Bharti was last seen together before his death along-with the accused-petitioner, Santosh Yadav and Sanjay Mistri. He further submits that similarly situated co-accused, namely, Sanjay Mistri, has been enlarged on bail by the co-ordinate Bench of this Court vide order dated 09.11.2022, passed in Cr. Misc. No. 22609 of 2020.

The petitioner has been languishing in jail since 11.08.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. C.J.M Purnea in connection with K. Nagar P.S. Case No. 481 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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