

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17044 of 2022

Arising Out of PS. Case No.-53 Year-2020 Thana- LAURIA District- West Champaran

Shivakant Mishra Son Of Late Laxman Mishra R/O Village- Siswaniya,
Belwa More, P.S.- Lauriya, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-08-2022 Heard learned counsel for the petitioner and the

State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Trial No. 1594 of 2021, arising out of Lauriya P.S. Case No. 53
of 2020 under Sections 147, 148, 149, 341, 323 324, 307,
354(B), 448, 380, 504 and 302 of the Indian Penal Code.

As per allegation levelled in the F.I.R., the accused
persons including the petitioner herein have been alleged to
have assaulted the informant and his family members and also
tried to outrage the modesty of the lady of the family.

In this case, case diary was called for on
18.07.2022 which has been received and perused.



Learned counsel for the petitioner submits that the entire family members including the petitioner herein have been implicated in this case with the allegation that they tried to kill them with further allegation to have outrage the modesty of the lady, Bindi Devi.

He submits for the said alleged act, the petitioner has already suffered by being in custody since 27.01.2022 (as stated in para-12 of the bail application). He further submits that he has clean antecedent.

Taking into account the aforesaid facts that the petitioner is in custody since 27.01.2022 as no criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. If however, it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, in connection with Trial No. 1594 of 2021, arising out of Lauriya P.S. Case No. 53 of 2020 subject to the following conditions:

- (i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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