

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34053 of 2021**

Arising Out of PS. Case No.-207 Year-2019 Thana- MADHEPUR District- Madhubani

MONU KUMAR MISHRA Son of Vijay Kant Mishra Resident of Village -
Bhachhi, P.S. Madhubani Town, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 16-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Madhepur P.S.
Case No. 207 of 2019 corresponding to G.R. No. 2051 of 2019
registered for the offences punishable under Section 392 of the
IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and he has falsely been
implicated in the present case. He further submits that name of



the petitioner has been transpired on the basis of confessional statement of co-accused Prabhat Thakur. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that co-accused Prabhat Thakur has been granted bail by the court below and another co-accused Kanhaiya Bharadwaj has been granted bail by a co-ordinate Bench of this court vide order dated 23.07.2021 passed in Cr. Misc. No. 15403 of 2021. Petitioner is in custody since 21.09.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries four criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 207 of 2019 corresponding to G.R. No. 2051 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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