

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33279 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- CHANPATIA District- West Champaran

Amit Kumar Mishra @ Badal Kumar Mishra S/o Punnu Mishra Resident of
Village-Jokaha, P.S.-Manuapul, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2022 Heard Mr. Sanjeev Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Humayou Ahmad
Khan, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Chanpatia (Kumarbagh O.P) P.S. Case No. 64 of 2022, for the
offence punishable under Sections 412 and 413 of the Indian
Penal Code and Section 25 (1-b)a, 26, 35 Arms Act.

As per the allegation made in the F.I.R it is alleged
that the petitioner along with his gang members had assembled
together for committing dacoity and robbery. On such
information received by the informant, who is a police officer, a
team was constituted to raid the place of occurrence where the
petitioner along with other miscreants were arrested on the spot.



On the basis of confessional statement of the petitioner leading to the recovery of looted items from the co-accused named by the petitioner. The petitioner's house was also searched from where four country made Katta, one live cartridge and one empty cartridge were recovered. Subsequent to the present case the petitioner has also been made accused in two other cases as stated in paragraph no. 3 of the bail application.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated. He further submitted that though petitioner was apprehended at the place of occurrence, however, no incriminating articles were recovered from his possession. The petitioner was taken into custody and his house was searched, while he was in custody though nothing was recovered from his possession, he has falsely been implicated. Chargesheet has already been submitted. The petitioner is in custody since 10.02.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, nature of allegation against the petitioner and period of custody undergone by the petitioner and



there is no likelihood of trial to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Bettiah, West Champaran in connection with Chanpatia (Kumarbagh) P.S. Case No. 64 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this



order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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