

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42423 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- KADAMKUAN District- Patna

SURAJ MISHRA S/O BALKRISHNA MISHRA R/O FLAT NO. 117,
BLOCK NO. B, ROAD NO. 6B RAJENDRA NAGAR, P.S-KADAMKUAN,
DISTRICT-PATNA (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Dipak

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and 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, who is in custody since 31.01.2021,
seeks regular bail in connection with Kadam Kuan P.S. Case
No. 54 of 2021 for the offence punishable under Sections 420
and 384 of the Indian Penal Code.

The prosecution case, in brief, is that during his
routine duty, the informant who is Inspector of Kadamkuan P.S.
got information of Whatsapp audio being viral. On examination
of the audio clips, it was found that negotiation of money was
going on for release of a vehicle loaded with liquor. One person
firstly demanded Rs. 5,00,000/-, then Rs. 2,50,000/- and finally



Rs. 1,50,000/- for setting the said Safari vehicle free. On inquiry it was found that the person, who was demanding money, was Suraj Mishra (petitioner) for release of a white coloured Safari vehicle bearing Registration No. BR 01PG 1278 containing 319 bottles of English liquor. The said vehicle was seized in connection with Kadam Kuan P.S. Case No. 570 of 2020 dated 28.12.2020 for the alleged offense under Section 30(a) of the Bihar Excise and Prohibition Act and Preyesh Kumar and Sanjay Kumar Paswan after arrest were sent in Judicial custody. A case under Sections 420 and 384 IPC for extracting money after impersonating himself as policeman was registered against the accsued Suraj Mishra (petitioner).

Learned counsel appearing on behalf of the petitioner submits that the the petitioner was an informer of the local police station. The petitioner was not identified in the said audio and no scientific examination of the said audio has been conducted. Without any authentic verification of the audio, he has been implicated in this case. Petitioner has clean antecedent and he is in custody since 31.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforementioned facts and



circumstances of the case and period of custody of the petitioner as under trial prisoner, the petitioner, above named, 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 ACJM-XII, Patna in connection with Kadam Kuan P.S. Case No. 54 of 2021, 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.

(Purnendu Singh, J)

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