

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53017 of 2021

Arising Out of PS. Case No.-287 Year-2014 Thana- BRAHMPUR District- Buxar

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Pankaj Kumar Mishra @ Pankaj Mishra Son Of Pradip Mishra @ Pradip
Kumar Mishra Resident Of Village + Post- Yogiya, Police Station-
Brahampur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ambuj Nayan Chaubey, Adv

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-05-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 324, 326, 429,
307, 302 of the Indian Penal Code and 27 of the Arms Act .

Altogether, 24 persons are named and 15 to 20
persons are not named in the first information report. The named
and unnamed accused may put in three categories. First category
relates to those accused persons who are said to have shot fire at
the deceased persons. In the above stated category, F.I.R. named



accused, Ravindra Mishra @ Kuber Mishra and Vivek Mishra will come. The second category relates to those accused persons who are said to have caused injury to injured persons of this case as well as one cattle. In this category, six F.I.R. named accused, namely, Shashi Shankar Mishra, Santosh Mishra, Rupesh Mishra, Nitesh Mishra@ Golden Mishra, Mukesh Mishra @ Bother and Abhishek Mishra @ Bother will come. The third category relates to remaining those accused persons who are said to be member of unlawful assembly having firearms in their hands.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that in fact the petitioner was granted bail by the learned J.J.Board, Buxar vide order dated 04.03.2015. Learned counsel for the petitioner further submits that after some time, learned J.J. Board found that the petitioner has produced the forged and fabricated academic documents and accordingly the learned court has cancelled the bail bonds of the petitioner on 30.05.2017. Learned counsel for the petitioner submits that the petitioner had no knowledge about his cancellation of bail bond so he could not surrender. He further submits that when the petitioner came to know about the



cancellation of bail bond he surrendered on 08.03.2021 before the learned court below. He further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons and number of accused persons have already been granted bail by a Coordinate Bench of this Hon'ble Court vide orders at Annexure-2 of the bail petition. He further submits that some of the co-accused persons have been convicted by the learned Trial Court against the judgment of conviction and order of sentence, they preferred Cr. Appeal (D.B.)No. 904 of 2019 and the Hon'ble Court vide order dated 17.10.2019 granted bail to altogether 16 accused persons.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Brahampur P.S. Case No. 287 of 2014, corresponding to S.Tr.No.110 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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