

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71683 of 2021

Arising Out of PS. Case No.-459 Year-2020 Thana- BHORE District- Gopalganj

SITU MISHRA Son of Mani Nath Mishra Resident of Village- Sisai, P.S.-
Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-06-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 399 and 402 the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per the prosecution case, on receiving information about the accused persons having gathered and planning to give effect to an occurrence, a raid was conducted. It is stated that four accused persons were caught while three of them escaped. Arms, ammunitions etc. were recovered from the four accused persons who were caught. On enquiry, they disclosed the names of the accused who had escaped which included the petitioner herein.

It is submitted by learned counsel for the petitioner



that neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. At best, the material against him is the confessional statement of co-accused made before police. He is in custody since 5.7.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the petitioner not having been arrested at the spot, no incriminating article having been recovered from his possession, his having remained in custody for 11 months and investigation in the case having concluded, the Court directs the petitioner to be enlarged on bail in connection with Bhore P.S. Case no.459 of 2020 (G.R. no.4500 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gopalganj.

(Partha Sarthy, J)

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