

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11388 of 2023

Arising Out of PS. Case No.-140 Year-2021 Thana- BARURAJ District- Muzaffarpur

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Nitesh K Mishra @ Nitesh Kumar Son Of Lalan Mishra @ Lallan Mishra
R/O Vill.- Harnahi, P.S.- Baruraj, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Mrityunjay Kumar, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Baruraj P.S. Case No. 140 of 2021, registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

The police on secret information regarding assemblage of some criminals close to the chimney bhatha of Krishna Chaudhary conducted raid, however, noticing the police party several persons succeeded in fleeing away, however, three of them were apprehended by the police. The apprehended persons disclosed the name of the petitioner and other co-



accused persons.

Submission has been made on behalf of the petitioner that save and except the disclosure made by the apprehended persons there is no material suggesting the complicity of the petitioner. Further, the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, the petitioner is in custody since 08.07.2022. He further submits that other co-accused having similar allegation has been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. Nos. 1184 of 2022 and 18531 of 2022 vide order dated 20.05.2022 and 07.12.2022, respectively, the copies of which has been annexed as Annexure 2 to the petition.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is named in one other criminal case as has been mentioned in paragraph no.3 of the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, couple with the fact that other co-accused having identical allegation have



been allowed privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XX, Muzaffarpur in connection with Baruraj P.S. Case No. 140 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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