

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29911 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- KATEYA District- Gopalganj

PAWAN MISHRA SON OF AWADHESH MISHRA R/O-SAMDAS
BAGAH, P.S.-KATEYA, DISTT.-GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kateya
P.S. Case No. 160 of 2022 registered for the offences punishable
under Sections 341, 323, 504, 506, 427, 379, 384, 147, 148, 149 of
the IPC and Section 27 of the Arms Act.

As per prosecution case, petitioner and others came
with wrapping gamcha over the face. It is alleged that petitioner fired
with pistol and ordered to loot out *Bathan* of the informant and took
out all the articles. It is alleged that all the articles were taken away
by petitioner and others. It is also alleged that Rs. 5000/- was taken
away by the petitioner which was kept in kurta of the informant.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.03.2023 and bears criminal
antecedent of five cases. He further submits that allegation of theft



under Section 379 of the IPC is super addition and ornamental to make the case serious in nature. He further submits that petitioner has been made accused in the present case due to political rivalry as the petitioner contested the election for the post of B.D.C. and the informant was in opposition. He further submits that co-accused Abhishek Dubey has already been granted bail vide Cr. Misc. No. 37478 of 2022 and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 160 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail



by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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