

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57848 of 2023

Arising Out of PS. Case No.-191 Year-2021 Thana- BENIPATTI District- Madhubani

RAJA JHA @ RAJA MISHRA @ RICKY KUMAR MISHRA SON OF
LATE ISHWAR CHANDRA MISHRA VILLAGE DHANAUJA PS
BENIPATTI DIST- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard Mr. Jagannath Singh, learned Counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with Benipatti P.S. Case No. 191 of 2021 registered for the offences under sections 399, 402, 413 and 414 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 01.09.2021 by the informant, Sadan Ram.

As per the prosecution story, the police upon information that accused persons have assembled to commit a crime, went to the place of occurrence, chased him and were able to apprehend one Nikesh Kumar Jha with country made pistol and five cartridges as also a mobile. Some of the accused persons managed to escape, Nikesh Kumar Jha named them, the



petitioner being one of them. Accordingly, the FIR.

The case of the learned Counsel for the petitioner is that he has not been arrested from the spot, neither anything recovered from his conscious possession only because his name has come in the confessional statement, he is in custody since 06.06.2023 (as stated in paragraph 16 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the facts, the submissions put forward by the parties, is in custody since 06.06.2023 and nothing has been recovered from his conscious possession, his name has come in the confessional statement, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Benipatti in connection with Benipatti P.S. Case No. 191 of 2021, subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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