

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62621 of 2022

Arising Out of PS. Case No.-115 Year-2018 Thana- KUDRA District- Kaimur (Bhabua)

1. Jitu Mishra @ Jitendra Mishra, Son Of Shalik Ram R/O Baburam Ka Pura, P.S.- Rohaniya, District- Varanasi (U.P.)
2. Dabbu @ Krishna Upadhyay, Son Of Bijendra Nath Upadhyay R/O Village- Ballipur, Post- Nonari, P.S.- Fattupur Mariyahi, District- Jaunpur (U.P.)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 379, 328/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that four unknown miscreants hired his tractor for carrying shuttering material and on the way, made him drink and intoxicated drink on account of which, he became senseless and the culprits took away his tractor, cash and his mobile phone.



The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the name of the petitioners transpired in the confessional statement of co-accused in police custody, which does not have any evidentiary value. It is next submitted that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the Investigating Officer for eliciting the truth.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners and the fact that the petitioners are persons with clean antecedents, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Kaimur at Bhabua in connection with Kudra P. S. Case No.115 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, it is made clear that in the event, if any



application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves when called for, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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