

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66610 of 2023

Arising Out of PS. Case No.-975 Year-2022 Thana- SUPAUL District- Supaul

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Mahesh Kumar Mishra @ Manna S/O Subhash Charndra Mishra R/o vill -
Kharail, ward no. 11, Karnpur, P.S. - Supaul, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Supaul P.S. Case No. 975 of 2022 dated 20.10.2022, lodged
under Section 394 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against two unknown accused persons against whom the
allegation is to loot motorcycle and also attack by the pistol butt
on the head of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the police has arrested the petitioner only on
suspicion and by the confessional statement of accused, namely,
Vikash Kumar Thakur. Counsel submits that from the contents

of the F.I.R., it transpires that the date of occurrence is 16.10.2022 but F.I.R. has been lodged on 20.10.2022 *i.e.* delay of four days.

5. Learned counsel for the petitioner further submits that the petitioner has been arrested in this case when he was sitting outside a shop in his village and he was remanded in other cases also. Counsel further submits that the petitioner is in custody since 28.04.2023. There is only one case pending against him in which he was remanded on the same day. Counsel also submits that the other accused persons on whose confessional statement the name of the petitioner has figured in this case has been granted bail vide order dated 30.08.2023 passed in Cr. Misc. No. 56676 of 2023.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 975 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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