

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66762 of 2022

Arising Out of PS. Case No.-632 Year-2015 Thana- MUFFASIL District- West Champaran

Manish Kumar @ Manish Kumar Mishra S/o Krishna Mishra R/v- Belwa,
P.S.- Bettiah Muffasil (Banuchhapar O.P.), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vashist Narayan Mishra, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vashist Narayan Mishra, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No. 632 of 2015, registered for the offences punishable under Section 392 of the Indian Penal Code, later on Sections 395, 412, 216(A) of the Indian Penal Code were added.

It is alleged that the informant was working under Ashok Kumar Kanodiya as a field staff and had gone to realizing some money from the customers and while he was in the way, in the meantime, two persons came on a motorcycle



and looted away Rs.3,82,000/- and his mobile.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants, however, during the course of investigation one Chhotu Ram @ Rajesh Ram was apprehended by the police and the name of the petitioner has transpired in the extra judicial confession made by the aforementioned co-accused person. He further submits that other co-accused persons, whose name has also transpired in the confessional statement, they have been allowed privilege of bail by the court below itself, as would be evident from the impugned order itself. However, taking into the fact the case is of 2015 and the petitioner avoided the process of the Court, his prayer for bail has been rejected. It is submitted at the bar that in fact the petitioner has never ever subjected to any process of law and since the petitioner is not name in the FIR, he was not even aware of the present case. He lastly submits that in fact the reasons for implication of the name of the petitioner is his past criminal antecedent of four other criminal cases, though the petitioner is on bail, in all other cases and lastly remanded in this case, hence, delay has occurred; now he is in custody since 05.08.2022.

On the other hand learned APP for the State



vehemently opposes the bail application and submits that the petitioner is a habitual offender and found involve in identical nature of crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement there is no other material and neither he has been put on test identification parade nor any incriminating material has been recovered and other accused persons having identical allegation have been allowed bail by the court below itself, 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 Chief Judicial Magistrate-III, Bettiah, District West Champaran in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No. 632 of 2015, 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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