

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73618 of 2023

Arising Out of PS. Case No.-242 Year-2022 Thana- AMNAUR District- Saran

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Sunil Mishra @ Sunil Mishar S/O- Late Maheshwar Mishra Village-
Chainpur Ps- Garkha Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr.Vijay Kumar, learned counsel for the

petitioner and Mr.Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Amnour P.S.Case No.242 of 2022,FIR dated 17.08.2022 registered for the offences punishable under Sections 341,323,324,354,379,504,447,34 of IPC.

3. According to prosecution case, the petitioner and four unknown persons having arms came by vehicle and entered into the house of the informant and this petitioner tried to taking two lacs rupees containing in box and also torn the clothes of the wife of the informant in which wife of the informant became necked. It is further alleged that the accused persons also fired and threatening if you will be filed the case will be killed.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 14.08.2022 but the present FIR has been instituted on 17.08.2022 after delay of three days afterthought only to falsely implicate the petitioner in the present case and due to previous enmity the petitioner has been implicated in the present case and the informant is cousin brother of the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A. C.J.M.-IX, Saran at Chapra in connection with Amnour P.S. Case No.242 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following



conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that 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/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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