

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75032 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- MADHEPURA District- Madhepura

Kanhaiya Mishra @ Kanhaiya Mishra, Son of Manoj Kumar Mishra @ Manoj Mishra Resident of Mohalla- Tiwari Tola, Ward no. 33, P.S- Saharsa, dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 22-06-2023 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 392 of the Indian Penal Code and Section 27 of Arms Act. Later on Section 395, 412 of the Indian Penal Code added.

According to F.I.R., the prosecution case is that the informant is a Branch Manager in Bharat Finance Inclusion Ltd. at Jai Prakash Nagar, Madhepura. On 09.04.2021 while the informant was working in his office, four unknown miscreants armed with weapon entered into the office and locked him along with one labour in the bathroom and demanded key of safe locker and after opening fire three persons lifted safe locker went outside from the office which was containing Rs.



6,78,989/- and mobile of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. He has falsely been implicated in this case. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious possession. The petitioner has not been put on T.I.P. till date. The petitioner has no concern with alleged recovery. It is further submitted that the other co-accused persons have already been granted bail by other co-ordinate Bench of this Court vide order dated 29.03.2023 passed in Cr. Misc. No. 49084 of 2021 and Cr. Misc. 55437 of 2021. Moreover, the petitioner is languishing in judicial custody since 15.04.2021.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madhepura P.S. Case No. 312 of 2021 on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of learned Chief Judicial Magistrate,
Madhepura.

(Sunil Kumar Panwar, J)

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