

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8255 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

Mohan Mistri, aged about 30 years, Male Son of Hariwansh Rai, Resident of
Village- Chak Shikandar, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 03-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mufasil Samastipur P.S. Case No. 294 of 2023 instituted for the
offences punishable under Sections 399,402,411,414 of the
Indian Penal Code and Section 8, 20(b)(ii)B N.D.P.S. Act and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, there is recovery of 04
Kg Ganja alongwith motorcycle and cash of Rs. 1000/- has been
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner. It has further submitted that petitioner was not arrested at the place of occurrence. Petitioner is in custody since 10.06.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Sessions Judge, Samastipur dated 28.11.2023, it appears that there is no recovery from the conscious possession of the petitioner and the said recovery is from other co-accused namely Md. Taiyab, who has been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 73299 of 2023 vide order dated 23.11.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Samastipur in connection with Muffasil Samastipur P.S. Case No. 294 of 2023, subject to the following conditions:-

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(Ramesh Chand Malviya, J)

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