

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8373 of 2024

Arising Out of PS. Case No.-148 Year-2022 Thana- NAYA RAM NAGAR District- Munger

Feku Mishra @ Saurav Mishra @ Surya Kant Mishra Son of Sanjay Mishra
@ Sanjay Kant Mishra Resident of Village/Mohalla-Gauripur, P.S.-Naya Ram
Nagar, Distt,-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-02-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
S.T. Case No. 370/2023, arising out of Naya Ram Nagar P.S.
Case No. 148A/2022 (Naya Ram Nagar P.S. Case No.
148/2022) dated 07.08.2022 registered for the offences
punishable under Sections 302, 120(B) read with Section 34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by learned
counsel for the petitioner are that as per FIR, three accused
persons have been named and out of them, one namely, Badal
Tanti @ Badal Kumar has been granted bail by co-ordinate
Bench of this Court vide order passed in Cr. Misc. No. 43174 of
2023 and the petitioner's name surfaced during investigation in



the re-statement of the informant who also revealed the implicity of other co-accused persons out of them, two persons namely, Bijay Kumar @ Vijay Kumar @ Raushan Kumar and Bikash Kumar have also been granted bail by co-ordinate Benches of this Court and the petitioner's case stand on better footing from the co-accused Badal Tanti who is on bail. Further submissions are that the petitioner has got no criminal antecedent and has been languishing in jail since 31.05.2023 and there is nothing admissible incriminating evidence against this petitioner to show his involvement in the alleged crime except the informant's re-statement which developed later on and confessional statement of the accused persons given before the police.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions and mainly taking into account petitioner's fair and clean antecedent and his custody period and the privilege of bail granted to above-mentioned co-accused persons by co-ordinate Benches of this Court, this Court is inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge** on furnishing of bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with S.T. Case No. 370/2023, arising out of Naya Ram Nagar P.S. Case No. 148A/2022 (Naya Ram Nagar P.S. Case No. 148/2022) on the following conditions:-

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

(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 his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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