

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24299 of 2024

Arising Out of PS. Case No.-264 Year-2022 Thana- SINGHWARA District- Darbhanga

1. Manish Mishra @ Manish Kumar Son of Ramesh Mishra Resident of Village- Bakhra, P.S.- Pupri, Dist.- Muzaffarpur
2. Chandan Tiwari Son of Surendra Tiwari Resident of Village- Bakhra, P.S.- Pupri, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
Mr. Raju Kumar, Adv.
For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Singhwara P.S. Case No. 264 of 2022 dated 19.11.2022,
instituted for the offence punishable under Section 379 of the
Indian Penal Code.

3. The prosecution case, in short, is that on
18.11.2022, the informant had gone to Punjab National Bank to
deposit cash Rs. 80,000/-. The informant took help of one
unknown person in filling up the form for depositing the cash
and queued up to wait for his turn and when he put his hand into
the bag he found the cash missing and his bag was also found



cut whereafter he lodged the case against unknown thief.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioners are not named in the F.I.R. and F.I.R. has been lodged against known persons. It is submitted that only on the basis of confessional statement of co-accused Sagar Kumar, the petitioners have been made accused in this case. It is submitted that nothing has been recovered either from the possession of the petitioners or from the house of the petitioners. Merely on the basis of suspicion, they have been implicated in this case. Lastly, it has been submitted that petitioner no. 1 has four criminal cases against him and petitioner no. 2 has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Singhwara P.S. Case No. 264 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate-Ist Class, Darbhanga, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. 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.

(Khatim Reza, J)

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