

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28108 of 2024

Arising Out of PS. Case No.-177 Year-2021 Thana- BARURAJ District- Muzaffarpur

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Dhiraj Mishra @ Dhiraj, Male, aged about 24 years, son of Vinod Kumar Mishra, resident of village- Pakri, P.S.- Baruraj, Dist.- Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Baruraj PS Case No.177 of 2021 dated 09.09.2021, instituted under Sections 394/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that when the informant was going from his house on 06.09.2012 at 6.00 AM and reached near *Pakari chaur*, three unknown motorcycle borne criminal fired at him which hit in his hand. It is further alleged that the informant fell down from the motorcycle and thereafter the criminals snatched his bag in which cash, mobile phone etc. were kept.

4. Learned counsel for the petitioner submits that the



petitioner is not named in the FIR. Only on the basis of confessional statement of Abhijeet Singh @ Abhijeet Kumar, the petitioner has been made accused in this case. Further submission is that the said Abhijeet Singh @ Abhijeet Kumar has already been granted anticipatory bail by this Court vide order dated 11.10.2023 passed in Cr. Misc. No.60872 of 2023. It is further submitted that nothing incriminating article has been recovered from the possession of the petitioner which may raise suspicion of his involvement in the crime. It is further submitted that two criminal cases are pending against the petitioner in which he is on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur, (West)/Court No. 5 in Baruraj PS Case No.177 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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