

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36044 of 2024

Arising Out of PS. Case No.-159 Year-2020 Thana- JALE District- Darbhanga

Monu Mishra S/O Raj Kishore Mishra Resident Of Village -Dhanaur, Police
Station -Katra, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jalley P.S. Case No. 159 of 2020, lodged on 28.09.2020, under
Sections 394/307 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per the prosecution, the FIR has been lodged
against unknown accused persons against whom there is an
allegation that on the point of pistol, they have looted Rs.
12,47,500/- from ATM machine.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Learned
counsel further submits that nothing has been recovered from
the conscious possession of the petitioner and his name has



figured in this case by virtue of confessional statement of co-accused, namely, Sudhakar Bhardwaj, who has been granted bail by the co-ordinate Bench of this Court vide order dated 25.01.2023 passed in Cr. Misc. No. 28770 of 2022. Learned counsel submits that the petitioner is in custody since 11.03.2024. Learned counsel also submits that there are total seven criminal cases initially pending against the petitioner and during pendency of the bail application, two more cases have been filed against the petitioner.

5. Learned counsel for the State, on the other hand, submits that it is true that petitioner's name has come in this case by virtue of confessional statement of co-accused, namely, Sudhakar Bhardwaj and the entire modus operandi has been explained by the co-accused. He further submits that the criminal antecedent of the petitioner is not clean and this aspect must be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **after framing of charge, if not framed,** and on being satisfied by the trial Court that the petitioner is not absconding in any of the nine criminal cases pending against



him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Darbhanga, in connection with Jalley P.S. Case No. 159 of 2020, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

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

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the 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.

7. Pending cases against the petitioner are as follows:-

- (i) Singhwara P.S. Case No. 183 of 2020
- (ii) Kamtaul P.S. Case No. 269 of 2020
- (iii) Katra P.S. Case No. 149 of 2018
- (iv) Katra P.S. Case No. 135 of 2018
- (v) Katra P.S. Case No. 54 of 2020
- (vi) Bochaha P.S. Case No. 145 of 2020
- (vii) Katra P.S. Case No. 173 of 2018
- (viii) University (Muzaffarpur) P.S. Case No. 31 of 2020
- (ix) Katra P.S. Case No. 123 of 2019

(Dr. Anshuman, J.)

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