

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71585 of 2024

Arising Out of PS. Case No.-147 Year-2022 Thana- EKMA District- Saran

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Banty Mishra @ Banti Mishra, aged about 45 years, Gender- Male, S/O
Chandrika Mishra, R/O Village- Rith, P.S- Ekma, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Ekma PS Case No.147 of 2022 dated 17.04.2022, instituted
under Sections 341, 323, 379, 382, 420 of the Indian Penal
Code.

3. The prosecution case, in brief, is that the informant
was by convinced by co-accused Vikas Rai about arrival of
some new animals and brought him to a lonely place where two
persons came on a motorcycle and snatched rupees forty
thousand after assaulting him and then they fled away.
Thereafter, the informant and Vikas Rai came to *Nahar* bridge
where villagers informed the informant that Buntty Mishra i.e.,
the petitioner has snatched his money. The villagers handed over



Vikas Rai to the police and then he confessed that he has done all this on the direction of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Only on the basis of confessional statement of Vikas Rai, the petitioner has been made accused in this case. It is further submitted that nothing has been recovered either from conscious possession or from the house of the petitioner. The petitioner has no concern with co-accused Vikas Rai. The motorcycle which was used in the commission of the offence has been recovered from the house of co-accused Bullet Singh and the petitioner has no concern with the same. It is also submitted that the prayer of the petitioner for grant of anticipatory bail has been refused by the Court below only because of his antecedents. Lastly, it is submitted that two criminal cases are pending against the petitioner.

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 Additional Chief Judicial Magistrate, 1st, Saran at Chapra, in Ekma PS Case No.147 of 2022, 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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