

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75477 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- Pura police station District- Gaya

Mayank Kumar Mishra Son of Dinanath Mishra Resident of Village -
Bhaluahi Kharkhura, Ps- Delha, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Pura P.S. Case No. 24 of 2024, registered on 01.06.2024 for the alleged offences under Sections 341, 323, 392/34 of the Indian Penal Code.

3. As per prosecution case, the informant gave his tempo to one Deepak Kumar for running it on hire. Four unknown miscreants snatched tempo from Deepak Kumar after tying his hand with belt. They also took away Rs.500/-, Aadhar Card and mobile phone from the driver. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Kaushal Kumar @ Akash Kumar.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and except the confessional statement there is no other material to connect the petitioner with the offence as alleged. The petitioner is in custody since 18.07.2024 but he has not been put to any Test Identification Parade. Nothing incriminating has been recovered from the person or possession of the petitioner, who is having antecedent of one case in which he has been falsely implicated after registration of the present case, and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery of any incriminating article has been shown from the petitioner and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned Court in connection with Pura P.S. Case No. 24 of 2024, subject to the conditions



mentioned in Section 437(3) of the Code of Criminal Procedure
and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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