

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32141 of 2025

Arising Out of PS. Case No.-431 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Angad Mishra S/O Late Shubhash Mishra @ Subhash Mishra R/O Vill.-
Haradiya, P.s.- Pachrukhi, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

Mr. Hemant Ray, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, A.P.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 27-05-2025 Heard the learned counsel for the the petitioner and

the learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
G.B. Nagar P.S. Case No. 431 of 2023, registered for the
offences punishable under Sections 399, 402, 414 of the Indian
Penal Code and 25(1-B)a, 26 and 35 of Arms Act and Section
8/20B(ii)(B)/21(b)/22 of the N.D.P.S. Act. Petitioner has four
criminal antecedents.

3. The prosecution case in brief is that one carbine,
two live cartridges and one magazine with two live cartridges
along with 7.010 g of smack was recovered from the petitioner.

4. The learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. He further submits that one carbine, two live cartridges and one magazine with two live cartridges along with 7.010g of smack is said to have been recovered from the petitioner which admittedly is below the commercial quantity and thus the rigours of Section 37 of the N.D.P.S. Act is not attracted. It has further been submitted that other similarly situated co-accused persons, namely, Ajit Kumar, Vikramjeet Gupta and Amrendra Patel have already been enlarged on bail by this Hon'ble Court. Lastly, it has been submitted that although the petitioner has four criminal antecedents and now in the present case he is in custody since 21.11.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid submission made by the respective parties and taking into account the fact that similarly situated co-accused persons have already been enlarged on bail and also considering the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand)



with two sureties of the like amount each to the satisfaction of the court of learned Session Judge, Siwan, in connection with G.B. Nagar P.S. Case No. 431 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Siwan within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reason of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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