

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33693 of 2025

Arising out of PS. Case No.-2 Year-2025 Thana- JHANJHARPUR District- Madhubani

Biru Mishra @ Veeru Mishra S/o Late Laddu Mishra Resident of village- Lal-
ganj Badauli Chowk, P.S.- Lalganj, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agarwal, Sr. Advocate
Mr. Raju Kumar, Advocate
For the Opposite Party/s: Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 13-08-2025 Heard Mr. N. K. Agarwal, learned senior counsel for
the petitioner assisted by Mr. Raju Kumar, learned counsel and
Mr. Lakshmi Kant Sharma, learned Additional Public Prosecu-
tor for the state.

2. The petitioner is apprehending his arrest in a case
instituted for the offences under Sections 304 and 3(5) of Bhar-
tiya Nyay Sanhita, 2023. He has no criminal antecedent.

3. The prosecution case is to the effect that the infor-
mant had withdrawn Rs. 1,00,000/- and had proceeded on tempo
whereafter two motorcyclists snatched away the bag of the in-
formant. It is further alleged that the miscreants were within the
age of 21 to 25 years.

4. Mr. N. K. Agarwal, learned senior counsel for the



petitioner submits that the petitioner has falsely been implicated in this case merely on suspicion raised through a CCTV Footage. It is further submitted that even from the CCTV Footage it cannot be said as to how the petitioner has been identified by spy as admittedly the petitioner is a resident of Vaishali whereas the present case has occurred at Jhanjharpur, Madhubani. Learned senior counsel also submits that the petitioner has falsely been implicated in the present case for some ulterior motive and no incriminating material has been recovered from the possession of the petitioner or his house. It is lastly submitted by learned senior counsel that the petitioner has clean antecedent.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel, the petitioner, above named, is directed to be released on anticipatory bail **after verification of criminal antecedent of the petitioner**, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Jhanjharpur,



Madhubani in connection with Jhanjharpur P.S. Case No. 02 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to 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, if so required by the learned Trial Court.

(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 canceled by the Court concerned.

(iv) And further condition that the 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.

7. It is made clear that the observations, if any, made



in this order, shall be of no bearing during the trial.

8. It goes without saying that the entire process of verification of the criminal antecedent of the petitioner should be completed within a period of three weeks.

9. Till the verification of criminal antecedent of the petitioner, no coercive steps shall be taken against the petitioner, above named, in the aforesaid case.

(Sourendra Pandey, J)

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