

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65062 of 2024

Arising Out of PS. Case No.-382 Year-2024 Thana- PHULWARISHARIF District- Patna

ARVIND KUMAR MISHRA @ BABA S/O SRI NITYANAND MISHRA
R/o Village- Jai Hind Colony- Ranipur, P.S.- Phulwarishariff, District- Patna
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate
: Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-01-2025 Heard Mr.Ajay Kumar Thakur, learned counsel for the
petitioner and Mr.Jitendra Kumar Singh, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
20.03.2024 in connection with Phulwarisharif P.S. Case No. 382 of
2024, F.I.R. dated 10.03.2024 registered for the offence punishable
under Section 302 of IPC and Section 27 of the Arms Act. Later on
Sections 120(b)/34 of IPC and Section 25(1-b)a, 26 and 35 of the
Arms Act were added.

3. According to prosecution case, the informant received
a telephonic call that her husband has died, upon reaching at place
of occurrence she alleged that her husband was killed with regard
to monetary and land transaction.

4. Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person as well as self-confessional statement of the petitioner, one arm has been recovered from possession of co-accused person which was used by other co-accused person in the present crime in question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.03.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the arm, which was used in the crime in question, has been recovered from possession of the petitioner but he fairly submits that it has also come during investigation that other co-accused persons have fired upon the victim.

6. Considering the aforesaid fact, petitioner has clean antecedent and name of the petitioner has come on the basis of the confessional statement of the co-accused person, 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 learned Additional Chief Judicial



Magistrate-XIV, Patna in connection with Phulwarisharif P.S.
Case No. 382 of 2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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. 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.

(Rajesh Kumar Verma, J)

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