

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85973 of 2025

Arising Out of PS. Case No.-390 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Balmiki Mishra S/O Late Prabhunath Mishra R/O Vill.- Barka Gaon,
Bharthawaliya,P.S.- Pachrukhi District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with G.B.
Nagar P.S. Case No. 390 of 2023 and S. Tr. No. 512 of 2025
registered for the offence(s) punishable under Section(s) 396 of
the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant has
alleged that around six miscreants had looted his jewellery shop
on the point of pistol. It has next been alleged that one Akash
Kumar Soni had also received injuries and subsequently
succumbed to such injuries.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. The petitioner is not named in the FIR and the name of the petitioner has surfaced in the confessional statement of the co-accused person. It has next been submitted that no such incriminating article has been recovered from his conscious possession. It has next been submitted that there was an allegation of six co-accused persons who have committed the alleged offence. However, police submitted charge-sheet against the eight accused persons and the petitioner was not amongst those eight persons. Learned counsel has further been submitted that the eight charge-sheeted co-accused persons who were put on trial have been acquitted by the judgment and the order dated 31.01.2025. It has lastly been submitted that the petitioner has one criminal antecedent in which he is on bail and he is in custody since he surrendered on 18.10.2024.

5. Learned A.P.P. has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with S. Tr. No. 512 of 2025 arising out of G.B. Nagar P.S. Case No. 390 of



2023, subject to the following terms and conditions :-

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

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

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

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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