

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6287 of 2015

Arising Out of PS.Case No. -23 Year- 2011 Thana -BUXAR INDUSTRIAL District- BUXAR

1. Chandan Mishra Son of Sri Kant Mishra @ Mantu Mishra Resident of Village - Sonbarsa, P.S. - Buxar (Industrial) District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Madhuri Lata(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 04-01-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 302, 34 and 120 B of the I.P.C and section 27 of the Arms Act.

Jahangir Khan and Izhar Khan named in the fardbeyan with one unknown are alleged that two out of them made firing causing death of Naushad Khan. The petitioner is not named in the FIR and his name transpired during investigation and further the petitioner has confessed his guilt.

Prayer for bail of the petitioner was earlier rejected by this Court vide Cr. Misc. No. 15309 of 2013 considering that the trial was in progress and it was likely to be concluded within six months.

Now submission is that the trial has not been concluded and in near future there is no likelihood of early conclusion of the trial which is evident from the report of the trial judge dated 26.08.2015 and in this case similarly situated co-accused, namely, Sheru Singh @ Onkar Nath Singh and Pankaj Choubey have already been allowed bail by another coordinate Benches of this Court.

The learned A.P.P. fairly submits that similarly situated other co-accused have been allowed bail.

In the facts and circumstances as stated above, the petitioner is also directed to 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 A.D.J. VI, Buxar in Sessions Trial No. 232 of 2011 arising out of Buxar (Industrial) P.S. Case No. 23 of 2011, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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