

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1923 of 2016**

Arising Out of PS.Case No. -266 Year- 2013 Thana -BETTIAH TOWN District-  
WESTCHAMPARAN(BETTIAH)

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1. Sanjay Mishra @ Sanjay Kumar Mishra, Son of Hari Kant Mishra @  
Murari Mishra, Resident of Village- Suggaon, P.S.- Sugauli, District- East  
Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

4      13-07-2016                      Heard learned counsel for the petitioner as well as  
  
learned Additional Public Prosecutor for the State.

Earlier the prayer for bail of the petitioner was  
rejected by this court vide order dated 22.04.2015 passed in Cr.  
Misc. No. 3113 of 2015 but again this petition has been filed for  
grant of bail on the ground that in course of trial two witnesses,  
namely, Ajay Kumar Jha and Raju Baitha were examined and both  
the aforesaid witnesses have turned hostile.

Learned counsel for the petitioner points out that  
police after due investigation submitted final form showing the  
accusation in respect of the petitioner untrue but the concerned  
court below differed with the findings of police and having relied



upon paragraphs no. 187 and 188 of the case diary took cognizance of the offence against the petitioner and this court while rejecting the bail petition of the petitioner vide order dated 22.04.2015 passed in Cr. Misc. No. 3113 of 2015 noticed the aforesaid fact. It is further submitted that as a matter of fact, at para-187 and 188 of the case diary, the investigating officer had recorded the statement of Ajay Kumar Jha and Raju Baitha under Section 161 of the Cr.P.C. but now, both the aforesaid proposed prosecution witnesses have not supported the prosecution story and stated that they had not seen anything. It is further submitted on behalf of the petitioner that except the aforesaid two paragraphs, there is nothing against the petitioner.

The trial court has reported that case of the petitioner has already been committed to the court of sessions and it is obvious from the order dated 22.04.2015 passed in Cr. Misc. No. 3113 of 2015 that when the prayer of the petitioner was rejected vide Cr. Misc. No. 3113 of 2015, the case of the petitioner was pending for commitment and that was the reason this court observed in the said order that prayer of the petitioner is being rejected at this stage.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, let the

petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 266 of 2013.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

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