

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2276 of 2015

Arising Out of PS.Case No. -206 Year- 2013 Thana -PATRAKARNAGAR District- PATNA

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Jitendra Mishra, S/o Sri Birendra Nath Mishra, Resident of Mohalla Bhitri Begumpur, P.S. Chowk, Patna City, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 04-05-2016

Heard learned counsel for the parties.

The petitioner seeks bail in Patrakar Nagar P.S.Case No. 206 of 2013 dated 25.09.2013 instituted under Sections 120B, 124A, 255, 256, 257, 258, 259, 260, 420, 465, 466, 467, 468, 471, 473, 474, 475/ 34 of the Indian Penal Code.

This is the second attempt of the petitioner for bail as earlier such prayer was rejected by order dated 21.07.2014 passed in Cr. Misc. No. 11831 of 2014.

While rejecting the bail application, the Court had directed the court below to expedite the trial and conclude the same within six months. The same not having been done, a report was called for from the court below. Pursuant to the same, the Additional Sessions Judge –XI, Patna, vide letter No. 49 dated 19.04.2016, has submitted a report, in which it has been stated that the order was never put before the court by the Bench

Clerk and thus, it could not be complied with. It has further been stated that the case is likely to be concluded within one year.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he was caught from an apartment from where forged stamps and other materials were recovered. It is submitted that almost all the accused persons, including the kingpin of the gang, namely, Ranjeet Kumar has been granted bail vide order dated 26.05.2015 passed by a co-ordinate bench of this Court in Cr. Misc. No. 12179 of 2015. It is submitted that at best the petitioner was also part of the gang. Learned counsel submits that though the crime alleged is serious having wide repercussion, but in view of the fact that he is in custody since 25.09.2013 and also that he has no criminal antecedent, the Court may consider the case for grant of bail.

Learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge- XI, Patna in connection with Sessions Trial No. 872 of 2014 arising out of Patrakar Nagar P.S. Case No. 206 of 2013, subject to the condition that one of the bailors shall be a Government servant. The petitioner and the bailor shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the court that he will not indulge in any criminal activity. Any violation of the terms

and conditions of the bond or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the court on each and every date. Failure to do so shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/-

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