

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2195 of 2019

Arising Out of PS. Case No.-57 Year-2016 Thana- SUGAULI District- East Champaran

Bishwanath Mishra , Son of Late Ram Sharan Mishra, Resident of Village –
Biguiya, P.S. Sugauli, District- East Champaran (Motihari)

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, , Adv.

For the Opposite Party/s : Mr.T.P. Mandal (App204)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 16-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Sugauli P.S. Case No. 57 of 2016 (Sessions Trial No. 391 of 2017), registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Informant in his written report has stated that on 26.02.2016 at about 3:00 P.M., his son while playing outside the house became untraceable. Thereafter, he started searching for his son but he was not found and in the morning he came to know that the dead body of his son was lying near the bridge beside the railway crossing.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been



falsely implicated in this case on the basis of suspicion and previous enmity as well as due to local politics. Petitioner has no criminal antecedent. Similarly placed co-accused have been granted bail by this court and co-ordinate bench of this court as contained in Aneexures 2, 3 and 4.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above 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 learned 13th Additional Sessions Judge, East Champaran (Motihari) in connection with Sessions Trial No. 391 of 2017 arising out of Sugauli P.S. Case No. 57 of 2016, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) 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 Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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