

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16528 of 2019**

Arising Out of PS. Case No.-138 Year-2013 Thana- ITARHI District- Buxar *

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BHARAT KUMAR MISHRA @ BHARAT MISHRA Son of Sri Narendra
Mishra Resident of Village- Chausa, P.S.- Mufassil (Buxar), District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur
		Mr. Imteyaz Ahmad
		Mr. Malay Kumar Choudhary
		Mr. Pravin Kumar
		Ms. Sweta Kumari
For the Opposite Party/s :		Mr. Binod Kumar

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

2 29-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 05.12.2017 in connection with Itarhi P.S. Case No. 138/2013 registered for the offense punishable under Sections 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner seeks to renew his prayer for bail in view of the fact that the trial court is proceeding in a very slow manner and the same is not likely to conclude in the near future.

Learned counsel for the petitioner further submits that though the prayer for bail had been rejected earlier, the petitioner is willing to abide the terms and conditions of this



Court and will appear on each and every date.

It appears that earlier liberty had been given to the petitioner to approach this Court after framing of charge, but in view of the submission of the informant that the evidences would conclude shortly, this Court had been pleased to reject the prayer for bail once again and directed the trial court to conclude the same within a period of nine months. However, even today, the trial did not stand concluded and the petitioner is languishing in jail.

Considering the entire facts and circumstances of the case and that only three witnesses have been examined till date, let the petitioner above named 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 learned Additional Sessions Judge-I, Buxar, in connection with Itarhi P.S. Case No. 138/2013, subject to the following conditions:

- (1) Father will be the bailor.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons,



his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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