

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18886 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- RAMNAGAR District- West Champaran

PUTTU MISHRA @ SANJEEV KUMAR Son of Mahendra Mishra Resident
of Village- Sonvarsa, P.S.- Matiyariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-06-2020 The present case was heard yesterday at length and today,
it has been placed before this Court for orders.

The present petition is by way of second attempt at the behest of the petitioner herein inasmuch as his earlier application for grant of regular bail was rejected by a coordinate Bench of this Court vide order dated 27.2.2020 passed in Criminal Miscellaneous No. 6858 of 2020, however, with liberty to renew his prayer for bail after framing of charge.

Again, the petitioner has moved before this Court, by way of the present petition, for grant of regular bail in connection with S.Tr. No. 738 of 2019 arising out of Ram Nagar P.S. Case No. 160 of 2019 for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, nine FIR named accused persons along



with three to four unknown, under a conspiracy, made indiscriminate firing on the husband of the informant causing his death. Land dispute is reason behind the occurrence of commission of murder.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is languishing in custody since 2.8.2019 and the charges have also been framed on 3.3.2020. It is further submitted that after detailed scrutiny of the case dairy, a coordinate Bench of this Court has granted bail to a similarly situated co-accused person, namely, Faiaz @ Faiaz Sah by an order dated 18.3.2020 passed in Criminal Miscellaneous No. 81110 of 2019. It is further submitted that other similarly situated co-accused persons have also been granted bail by coordinate Benches of this Court vide orders dated 5.3.2020 passed in Criminal Miscellaneous No. 64251 of 2019 and Criminal Miscellaneous No. 72844 of 2019. It is thus submitted that in the present facts and circumstances of the case, the petitioner deserves the privilege of regular bail.

I have heard the learned counsel for the parties and gone through the materials available on record and I find that since the charges have already been framed as against the petitioner



herein, he is languishing in custody since 2.8.2019 and almost all the co-accused persons have been granted the privilege of bail, I deem it fit and proper to direct for release of the petitioner on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand)with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ramnagar Police Station Case No. 160 of 2019, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

If any complaint comes against the petitioner before the learned trial court that the petitioner is threatening the witnesses, the learned court below shall conduct inquiry and thereafter pass necessary order according to law.

(Mohit Kumar Shah, J)

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