

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85413 of 2019

Arising Out of PS. Case No.-124 Year-2016 Thana- RAMGARHWA District- East
Champaran

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Sk. Neshar @ Sheikh Neshar Son of Late Sheikh Mohammad Ayub Resident
of Village - Murgiya Tola, P.S.- Ramgarwaha, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 25-09-2020 This matter has been taken up through Video
Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offences punishable under Sections 147/148/149 /341/323 /324 /
307/427/302/504/506 of the Indian Penal Code and Section 27
of the Arms Act.

The petitioner is in custody since 14.11.2017. He is
one of the assailants of deceased Sheikh Mojibulla.

In the past, twice prayer for bail to the petitioner was
refused on 26.06.2018 and again on 01.05.2019 and both times
trial Court were directed to expedite the trial.



The report of the trial Judge dated 17.06.2020 reveals that the case was running for prosecution evidence. However, one of the accused Munni Lal Mahto jumped the bail. Hence, the case is running for appearance of co-accused Munni Lal Mahto.

The attention of the trial Court is drawn to the provisions of Section 299 Cr.P.C. whereunder prosecution evidence can be recorded in absence of the accused. Therefore, trial Court is expected to proceed with the prosecution evidence in the case as well as take coercive step for securing attendance of the accused who has jumped the privilege of bail.

However, there is no chance of conclusion of trial in near future due to Covid effect.

Hence, considering the period already undergone and no material to substantiate that he is going to tamper with the evidence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Ramgarhwa P.S. Case No. 124 of 2016 with following conditions:

(a) Both the bailors shall be the resident of territorial



jurisdiction of the learned Court-below.

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

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

(Birendra Kumar, J)

Mkr./-

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