

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16444 of 2021

Arising Out of PS. Case No.-325 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Mukesh Ray @ Mukesh Rai, aged about 31 years, male, Son of Bharat Ray
Resident of Village- Madhopur Hazri, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 24-06-2021 Heard learned counsel for the parties through video conferencing.

Earlier, the bail petition of petitioner was rejected, vide order dated 09.11.2020 passed in Cr.Misc. No. 24254 of 2020 (Annexure 1). On the last occasion, vide order dated 07.04.2021, a report regarding stage of the trial was called for, which has been received and kept at flag 'R'. On perusal of the same, it appears that only cognizance has been taken in the case and the case is fixed for police paper.

It is submitted on behalf of petitioner that after rejection of last bail order i.e. after more than seven months, there is no progress in the trial. It is further submitted that



though petitioner is accused in three more cases, but in all the cases, he is on bail and moreover, no incriminating article was recovered from the possession of the petitioner. Till date, T.I.P. has not been held and only on the basis of confessional statement of co-accused, petitioner is languishing in jail since 11.10.2019. Similarly situated co-accused namely Jitendra Mahto has already been granted bail by this Court, vide order dated 28.05.2020 passed in Cr.Misc. No. 4185 of 2020 (Annexure - 3).

Considering the aforesaid facts and circumstances as well as the fact that even after lapse of adequate time, trial has not progressed, the bail petition of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, West cum Sub Judge, Muzaffarpur in connection with Sahebganj P.S. Case No. 325 of 2019, G.R. No. 2577 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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