

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.24860 of 2020

Arising Out of PS. Case No.-437 Year-2019 Thana- JAYNAGAR District- Madhubani

Abhishek Mishra Son of Sunil Kumar Mishra Resident of Village- Domantha
Mandir, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 05-01-2021 Heard learned counsel for the petitioner. No
one appears on behalf of opposite party.

The petitioner is in custody in connection with
Jaynagar P.S. Case No. 437 of 2019 for the offences
under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Learned counsel appearing on behalf of the
petitioner would submits that in the instant case, police,
after investigation has submitted charge-sheet under
Sections 120(B), 302 of the Indian Penal Code and
Section 27 of the Arms Act and the Sessions trial has
also commenced.



The son of the informant was killed by two motorcycle borne criminals which was witnessed by Saroj Yadav who was the pillion rider of the motorcycle which was being run by the deceased.

Learned counsel for the petitioner would submits that F.I.R was registered against unknown miscreants. The name of the petitioner has surfaced due to old enmity with the husband of the informant. Learned counsel further submits that Saroj Yadav who is claimed to have witnessed the occurrence has not identified the petitioner.

The petitioner is in custody since 05.11.2019.

Considering the fact that petitioner was not identified by the person who was the pillion rider of the motorcycle which was being run by the deceased at the time of occurrence, the period of custody and the fact that other co-accused persons have been granted bail by different Co-ordinate Benches of this Court, this Court is inclined to grant bail to the petitioner. Let the petitioner,



above named, be released on bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty thousands) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, 11th, Madhubani in connection with Jaynagar P.S. Case No. 437 of 2019.

Learned Trial Court is directed to conduct the trial of the case on day-to-day basis and conclude the same within a period of nine months.

The Superintendent of Police, Madhubani is also directed to ensure the examination of the prosecution witnesses for speedy disposal of the trial within time.

If there is any delay on the part of the petitioner in conclusion of the trial, learned Court below shall be at liberty to cancel the bail bonds of the petitioner.

(Anil Kumar Upadhyay, J)

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