

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70313 of 2019

Arising Out of PS. Case No.-21 Year-2012 Thana- BELSAND District- Sitamarhi

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Mukesh Pathak S/o Late Lallan Pathak Resident of Village- Maruabad, P.S.-
Mehsi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 06-04-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Belsand P.S. Case no.21 of 2012 registered under sections 302, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., as a result of firing by unknown accused persons, the informant sustained injuries. One Vikash Mishra was also seriously injured in the firing and died in course of treatment.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 7.8.2015 passed in Cr.Misc. no.1920 of 2015. On merits, it is submitted that the F.I.R. was registered against



four unknown persons. The name of the petitioner transpired in course of investigation and it was alleged that the accused persons had committed the murder on the direction of this petitioner. It is further submitted that inspite of the petitioner being in custody since 13.1.2013, there is no progress whatsoever in the trial. The petitioner further undertakes to cooperate in the trial on release on bail.

The application for bail is opposed by learned A.P.P. for the State.

By order dated 9.3.2021, a report with respect to the stage of trial had been called for which has been received. As per report the case is pending for prosecution evidence. The report does not mention about the examination of any prosecution witnesses.

Having heard learned counsel for the parties and taking into consideration the petitioner being in custody since 13.1.2013, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sessions Trial no.213 of 2015 arising out of Belsand P.S. Case no.21 of 2012 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions



Judge, Sitamarhi.

It is further directed that the petitioner shall cooperate in the trial and in case the learned Court below is of the opinion that the trial is being delayed due to non-cooperation of the petitioner, it may take steps for cancellation of bail of the petitioner.

(Partha Sarthy, J)

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