

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4079 of 2022

Arising Out of PS. Case No.-267 Year-2019 Thana- SONBERSA District- Sitamarhi

GAUTAM MISHRA SON OF NAWAL KISHOR MISHRA R/O VILLAGE-
DOSTIYA, P.S.- SONBARSA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Sinha, Advocate
For the Opposite Party/s :	Ms. Veena Rani Prasad, APP
	Mr. Ritesh Kumar Narain Singh, Advocate
	Mr. Manoj Kumar, Advocate
	Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 07-12-2022 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 307, 498A, 323 and 326 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

As per the prosecution case, supported by the informant in her statement under section 164 Cr.P.C., there is allegation of torture and assault on the petitioner.

The earlier application for bail of the petitioner was rejected vide order dated 28.9.2020 passed in Cr. Misc. No. 19131 of 2020.

It is submitted by learned counsel for the petitioner that even if the allegations are accepted for the sake of argument, it is a



case under sections 307, 323, 326 and 498A of the Indian Penal Code and the petitioner has remained in custody since 8.12.2019 i.e. for about 3 years.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the trial has commenced in the learned trial court and the petitioner will not permit the trial to proceed smoothly once he is enlarged on bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case especially the petitioner having remained in custody for 3 years since 8.12.2019, the petitioner is directed to be enlarged on bail in connection with Sonbarsa P.S case no. 267 of 2019 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 A.C.J.M-IV Sitamarhi, on the following conditions:

(I) One of the bailors of the petitioner shall be the father/close relative of the petitioner.

(II) The petitioner shall remain physically present in the trial court on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

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