

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22183 of 2022

Arising Out of PS. Case No.-17 Year-2020 Thana- BHARGAMA District- Araria

GANESH MUKHIYA @ GANESH MUKHIA S/o Ganga Mukhiya Resident
of Village- Rajpur Motihari Gorihari Tola, Police Station- Pipra, District-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Ms. Meena Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Sessions
Trial No. 63 of 2020 arising out of Bhargama P.S. Case No. 17
of 2020 registered under Sections 399, 400, 402, 307 of the
Indian Penal Code and Section 25(a), (1A)(1AA)(1-B)ab, 26(1)
(2), 27(1)(2) of the Arms Act.

The petitioner's prayer for bail was earlier rejected
on 09.03.2021 on merits after considering all the submissions.



Having regard to the nature of allegations and criminal antecedents, the prayer was rejected.

In-between the last rejection and today when the matter is being heard, more than a year has elapsed. By now, he has remained in custody for nearly two years and three months, i.e., since 12.02.2020. The order of learned Additional Sessions Judge-III, Araria rejecting his prayer for bail on 31.03.2022, records that from the trial court records, it is evident that only one of the prosecution witnesses has been produced and examined that also on 27.01.2021 and thereafter no witness has been produced by the prosecution.

Having regard to the period of custody and the fact that there is no progress at the trial, also considering the fact that the petitioner is on bail in all the three cases pending against him, as per disclosure made in paragraph 3 and there is no allegation of misuse of bail, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-III Sessions Trial No. 63 of 2020 arising out of Bhargama P.S. Case No. 17 of 2020, subject to the



following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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