

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42335 of 2021

Arising Out of PS. Case No.-261 Year-2019 Thana- SALIMPUR District- Patna

Chandan Mishra, Son of Vijay Mishra, resident of Village- Rupas Mahaji,
P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 09-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Salimpur P.S. Case No.261 of 2019 registered for the offences punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 15.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story the son of the informant was killed by unknown persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case



merely on suspicion. Learned counsel submits that nothing incriminating was recovered from the possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 15.04.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the materials present in the case diary showing that 'Harsh' firing was done on the eve of the birthday party of the daughter of this petitioner inside his premises but the petitioner is unable to explain as to who had fired, a fact which is within his special knowledge attracting the presumption under Section 106 of the Evidence Act, at this stage the Court is not inclined to release the petitioner on bail. Prayer for bail is, thus, refused.

Let the trial be expedited.

If the trial is not concluded within a period of nine months for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

