

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46450 of 2021**

Arising Out of PS. Case No.-286 Year-2019 Thana- TATARPUR District- Bhagalpur

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AJAY MISHRA Son of Late Kashinath Mishra Resident of Mohalla- Lalmatia (Nathnagar), P.S.- Nathnagar, District- Bhagalpur, present address- Srinath Residency, Anil Sur Path, Flat No.203, P.S.- Kadma, District- Jamshepur (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-01-2022 Heard the learned counsel for the petitioner and the learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Tatarpur P.S. Case No. 286 of 2019, instituted for the offences under Section 302/34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 12.12.2019 and charge-sheet has been submitted in this case and trial has commenced and out of 16 prosecution witnesses, only one witness till date has been examined.

The learned counsel for the petitioner submits that the present bail application is the second attempt of the petitioner as his earlier bail application was rejected by order dated

05.11.2020 in Cr. Misc. No.20018 of 2020. The learned counsel submits that except this petitioner and one Md. Zisant Ali, all the accused of this case has been granted bail and in support of the same, the learned counsel for the petitioner has annexed the orders granting bail to other co-accused by way of Annexure-3 series to this bail petition. The learned counsel further submits that the FIR was against unknown and the name of this petitioner transpired based on the confessional statement of co-accused and his earlier bail was rejected as the Court was not persuaded to grant him bail based on his criminal antecedent. The learned counsel submits that though there are cases against the petitioner but the cases are very old and the last case is of the year 2013.

Learned A.P.P. opposes the bail application.

Considering the fact that petitioner is in custody since 12.12.2019 and charge-sheet has been submitted in this case and trial has commenced and the similarly situated co-accused have been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur, in connection with Tatarpur P.S. Case No. 286 of

2019, with a condition that in the event if the petitioner on two consecutive dates does not appear in the trial, the learned Court below shall forthwith cancel his bail-bond.

The application stands allowed.

(Satyavrat Verma, J)

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