

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22802 of 2023**

Arising Out of PS. Case No.-71 Year-1999 Thana- MUSRIGHRARI District- Samastipur

Ashok Mishra @ Manoj Kumar Mishra @ Manoj Mishra Son of Mohitkant  
Mishra Resident of Village - Morwadih, P.S.- Musarigharari, District -  
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. M.K. Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      12-04-2023                      Heard Mr. Bijay Bhushan Prasad, learned counsel  
appearing on behalf of the petitioner and Mr. M.K. Nirala,  
learned Additional Public Prosecutor for the State.

The petitioner is renewing his prayer for bail in  
connection with Musarigharari P.S. Case No. 71 of 1999 giving  
rise to Sessions Trial No. 44 of 2020 registered for the offence  
punishable under Section 364 of the Indian Penal Code and later  
on Section 302/34 of the Indian Penal Code was added.

Earlier, the prayer for bail of the petitioner was  
rejected vide order dated 27.06.2022 passed in Cr. Misc. No.  
4372 of 2020, after taking into consideration the specific  
allegation of kidnapping and murder of the deceased by all the  
accused persons, including the petitioner.



Learned counsel for the petitioner submits at the Bar that the other two accused persons named in the FIR having similar allegations were put on trial vide Sessions Trial No. 339 of 2000 and vide judgment dated 17.12.2015, they have been acquitted from all the charges. He further submits that as there was a long-standing enmity, wherein the brother of the petitioner has lost his life at the hands of the members of the informant side, hence, only in order to save his life, he remained absconded for such a long period. He next submits that despite the direction of this Court to conclude the trial expeditiously within the stipulated period, the same has not been done and, till date, out of seven prosecution witnesses, four of them have been examined and there is no likelihood of the conclusion of the trial in near future.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner remained absconded for about twenty years due to which the trial has been delayed and on the aforesaid account, the trial could not be concluded. He further submits that the petitioner bears three criminal antecedent as has been mentioned in para-3 of the bail application.

Regard being had to the submissions made on



behalf of the parties and considering the fact that there is no likelihood of the conclusion of the trial in near future and also the fact that the other co-accused persons having similar allegations, have been acquitted by the learned trial court, let the petitioner, named above, 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 A.D.J.-IX, Samastipur in connection with Musarigharari P.S. Case No. 71 of 1999 giving rise to Sessions Trial No. 44 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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