

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40644 of 2023

Arising Out of PS. Case No.-711 Year-2019 Thana- SAHARSA SADAR District- Saharsa

CHHOTU MISHRA @ SATISH JHA @ SATISH KR. JHA @ CHOTU
MISHRA son of Jageshwar Jha Village- Pratap Nagar Ward No-16, Ps Dist-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-10-2023 The prayer for bail of the petitioner was earlier

rejected *vide* order dated 02.03.2020 in Cr. Misc. No.

13198 of 2020.

2. The petitioner is being prosecuted in

connection with Saharsa Sadar P.S. Case No. 711 of

2019 dated 06.08.2019 for the offences under Sections

302/34 of the Indian Penal Code and Section 27 of the

Arms Act.

3. The petitioner and two others are alleged to

have taken the deceased inside a lane and fired at him

leading to his death.



4. The petitioner is in custody since 19.08.2019.

5. This Court had called for a report about the stage of the case from the court below. The report which is kept at 'Flag-A' indicates that notwithstanding the charges having been framed way back on 30.11.2021, not even a single witness has been examined up till now. For such inaction of the prosecution, the two other accused persons, similarly situated, have been granted bail by a Bench of this Court in Cr. Misc. No. 21530 of 2023 and Cr. Misc. No. 51866 of 2023 vide orders dated 21.06.2023 and 09.08.2023. In both the orders, the co-ordinate Bench has taken into account that no witness has been examined after the framing of the charge long time ago.

6. Considering the afore-noted facts, the petitioner is also directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the learned Additional District and Sessions Judge-IV, Saharsa in connection with Saharsa Sadar P.S. Case No. 711 of 2019, corresponding to S.T. No. 149 of 2021 but with the caveat that in case he does not participate in the trial, it would be open for the Trial Court to issued notice to him and proceed for cancellation of his bail.

(Ashutosh Kumar, J)

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