

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63083 of 2022

Arising Out of PS. Case No.-68 Year-2020 Thana- SISWAN District- Siwan

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Ramji Mishra S/O Baban Mishra @ Baban Bharti Resident of Village-
Mahamadpur, P.S.- Manjhi, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.04.2020 in connection with Sessions Trial No. 175 of 2020
arising out of Siswan (Chainpur O.P.) P.S. Case No. 68 of 2020,
F.I.R. dated 16.04.2020 for the offences punishable under
Sections 302, 382/34 of the Indian Penal Code.

According to prosecution case, the priest of the
temple, namely, Mahant Yogendra Shukla @ Shukal Baba has
been killed and 4 idols of god made up of brass worth Rs.
4,000/- were also missing from his room.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused, namely, Dhananjay Chaubey. He further submits that there is no allegation of any assault or over act against the petitioner and except the confessional statement of the co-accused, namely, Dhananjay Chaubey, there is no material to suggest that the petitioner was involved in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.04.2020.

Vide order dated 27.02.2023 a report was called with regard with the stage of the trial. Report of the learned Trial Court dated 06.03.2023 reveals that the charge was framed on 21.01.2021 and the present stage of the case is that the case is fixed for prosecution evidence.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in custody



since 19.04.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge – XI, Siwan in connection with Sessions Trial No. 175 of 2020 arising out of Siswan (Chainpur O.P.) P.S. Case No. 68 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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