

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69048 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- PALANWA District- East Champaran

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RUPESH MISHRA S/O JANAK MISHRA RESIDENT OF VILLAGE
MURWA P.S.- PALANWA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5, Adv.
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-11-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Palanwa P.S. Case No. 67 of 2022, dated 23.03.2022 registered
for the offences punishable under Sections 363(A), 366(A) read
with Section 34 of the Indian Penal Code and Section 4 and 8 of
POCSO Act.

3. This is second attempt of the petitioner to get the
relief of regular bail and his earlier prayer was rejected by this
Bench vide order dated 28.04.2023 passed in Cr. Misc. No.
64868 of 2022 preferred by this petitioner.

4. The main submissions advanced by learned



counsel for the petitioner are that the petitioner has been languishing in jail since 02.09.2022 and during the investigation the name of this petitioner surfaced mainly in the confessional statement of co-accused Rambahadur Yadav except this there is no material against him to connect him to the alleged occurrence and the police failed to obtain any incriminating evidence against the petitioner during the investigation and now the petitioner's trial has started and material prosecution witnesses have been examined and their depositions' copy have been filed by way of supplementary affidavit and the evidence given by the said witnesses clearly goes to show that petitioner was not involved in the alleged crime. Further submission is that one co-accused Anirudh Ram has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 17562 of 2023 and petitioner's case stands on similar footing with the said co-accused and he has got no criminal antecedent.

5. Learned APP appearing for the State has opposed the prayer for bail of the petitioner and submitted that petitioner's trial is at an advance stage.

6. Heard both the sides and perused the order impugned and the status report of the petitioner's trial sent by the Trial Court. Though, the instant matter relates to serious



offence of murder and kidnapping of the informant's minor daughter however, considering petitioner's custody period and also his fair and clean antecedent and mainly the fact, that the material prosecution witnesses have been examined and one co-accused carrying almost similar nature of allegation is on bail, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Palanwa P.S. Case No. 67 of 2022 on the following conditions:-

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

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

(iii) One of the bailors shall be a close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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