

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6259 of 2024

Arising Out of PS. Case No.-31 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

Sonu Mishra S/O Harendra Mishra R/O Village - Mamarkha, P.S. - Malahi,
District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the informant : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Trial No. 1778 of 2023 arising out of Dumariyaghat P.S. Case
No. 31 of 2018 G.R. case No. 885 of 2018 registered for the
offence under Sections 302, 201, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has taken
away son of the informant and later on informant came to know
that the car met with an accident and his son was found dead
there and police administration was there at the spot and it is
suspected that petitioner has hand in that.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner is in custody since 21.11.2023.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Having heard both the parties, perused the first information report, seizure list, bail petition and impugned order dated 12.12.2023 passed by learned Sessions Judge, East Champaran, Motihari, it appears that on the basis of written application informant Yogendra Mahto registered under Sections 302, 201, 34 of the Indian Penal Code against three accused persons including this petitioner Sonu Mishra. From perusal of the impugned order it appears that after conclusion of the investigation investigating officer submitted charge sheet before the learned Magistrate under Section 279, 237, 304A of the Indian Penal Code but learned Magistrate at the time of cognizance deferred the opinion of the investigating officer and took cognizance against the petitioner under Section 302, 201 / 34 of IPC.

7. Considering the aforesaid facts and circumstances, the period of custody of the petitioner, the above named petitioner is directed to be released on bail *after framing of charge* on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Trial No. 1778 of 2023 arising out of Dumariyaghat P.S. Case No. 31 of 2018 G.R. No. 885 of 2018.

8. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15(fifteen) days from the date of receipt of a copy of this order. However, it is made clear that if the charge-sheet has not been submitted then the petitioner shall be released on bail on the above conditions and the petitioner shall be present on each and every date before the Trial Court till conclusion of the proceeding of the framing of charge.

(Ramesh Chand Malviya, J)

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