

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10292 of 2024

Arising Out of PS. Case No.-37 Year-2012 Thana- GOH District- Aurangabad

=====

MRITUNJAY MISHRA SON OF LATE BINDESHWAR MISHRA R/O-
MISHIR BIGHA, P.S.-PAUTHU, DISTT.-AURANGABAD, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Adv.

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-08-2024 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The present petition is by way of third attempt at the
behest of the petitioner for grant of bail in connection with Goh
P.S.Case No. 37 of 2012, registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 434, 427 of the Indian
Penal Code, Section 27 of the Arms Act and Section 17 of the
C.L.A. Act, inasmuch as all the earlier petitions, filed by the
petitioner, for grant of regular bail, have been dismissed by a
coordinate Bench of this Court.

3. The prosecution story, in brief, is that all of sudden at
11.50 P.M., 15 to 20 persons armed with weapons arrived at the



camp office of one M.D.L.Company, whereafter they had taken the security personnel under their control and switched off the generator. Further, the accused persons are alleged to have taken out diesel from the vehicles parked there, whereupon they had sprinkled the diesel on the said vehicles and had burnt eight vehicles. They also said that since the proprietor of the Company had not paid them levy, hence, they have committed such occurrence and further they also instructed not to give information to the police. Lastly, they fled away raising slogan of M.C.C. Zindabad.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted by the learned counsel for the petitioner that the petitioner is languishing in custody since about 10 years, inasmuch as he was taken into custody on 5.9.2013, without there being any substantial progress in the ongoing trial. It is also submitted that a general and omnibus allegation has been levelled against the petitioner and he has been implicated in the present case falsely on account of his bad criminal antecedent.

5. Per contra, the learned APP for the State has opposed the prayer for bail of the petitioner and has submitted that the



petitioner has himself confessed his guilt, being a member of the band extremist group, as also has confessed his active involvement and presence in the alleged occurrence, hence, he should not be granted the privilege of bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the learned Additional District and Sessions Judge II, Aurangabad, in his report sent to this Court, dated 20.7.2024, has stated that only two witnesses have been examined by the prosecution out of a total of seven charge-sheeted witnesses, it is clear that though the petitioner has remained in custody for about 10 years, there has been scant progress in the ongoing trial, hence, this Court is of the view that the petitioner cannot be kept in custody for perpetuity, thus, I deem it fit and proper to admit the petitioner to the privilege of bail, however, subject to the condition that he shall appear before the learned Trial Court in the ongoing trial on each and every date, so fixed and his failure to appear on two consecutive occasions before the Ld. Trial Court, shall lead to cancellation of the privilege of bail being extended to him by this Court and he shall be taken into custody forthwith.



7. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XV, Aurangabad, in connection with Goh P.S. Case No. 37/2012 (S. Tr. No. 254/2015/98/2020).

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

