

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21901 of 2024

Arising Out of PS. Case No.-55 Year-2006 Thana- GOPALGANJ TOWN District- Gopalganj

Munna Mishra @ Dilip Kumar Mishra Son of Late Laxmi Kant Mishra @
Ganga Mishra Resident of Village-Panan Mahuawa, Police Station-Kateya,
District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Adv.

For the Opposite Party/s : Ms. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has earlier moved twice before this Court for grant of regular bail in Cr. Misc. Nos. 40110 of 2009 and 20993 of 2011 and vide orders dated 01.12.2009 and 15.12.2011 respectively, the petitioner was granted regular bail with certain conditions.

3. The petitioner seeks bail in connection with Gopalganj P.S. Case No. 55 of 2006 instituted for the offences under Sections 326, 379, 307, 34 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per prosecution case, the allegation against the petitioner is of firing upon the deceased.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the petitioner was granted bail by this Hon'ble Court but, due to non-appearance before the Trial Court in Sessions Trial No. 65 of 2010, he remanded on 19.01.2023 on production warrant. He further submits that the petitioner has not intentionally disobeyed the conditions imposed by the Hon'ble High Court while granting bail but, for the purpose of saving his life, he was out of Bihar but, ultimately, he has been remanded on 19.01.2023 under judicial custody in this case. The petitioner was issued Non-Bailable Warrant on 21.06.2017 and, thereafter, the process process under Section 82/83 Cr.P.C. was also issued against the petitioner. The petitioner has altogether fifteen criminal antecedents as has been stated in paragraph no.3 of the present bail application. The charge has been framed in this case.

6. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has intentionally disobeyed the conditions for bail imposed by the Hon'ble High Court and is absconding in this case since 2017 and the process under



Section 82/83 has also been issued and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalganj P.S. Case No. 55 of 2006, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

rishi/-

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

