

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29726 of 2024

Arising Out of PS. Case No.-78 Year-2019 Thana- AURAI District- Muzaffarpur

Golu Mishra @ Shubham @Shubham Mishra SON OF Sri Arjun Mishra
village- sultanpur ps- kataiya district -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate

For the Opposite Party/s : Mr.Rina Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Session Trial No. 84 of 2024 arising out of Aurai P.S. Case No. 78 of 2019, G.R. No. 1504 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, four unknown miscreants killed the informant's son.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. The name of the petitioner has been surfaced in this case upon self confessional statement of the petitioner when he was arrested in Kataiya P.S. Case No. 08 of 2023. Learned counsel further submits through supplementary



affidavit that self confessional statement was recorded on 29.09.2021 i.e. two and half years from the occurrence i.e. 23.03.2019 in the present case. Petitioner bears criminal antecedent of six cases. Learned counsel further submits that petitioner just because of having several criminal antecedent, he has been selectively made accused one after another case without having any basis. He further submits that name of the petitioner has been surfaced in the case after two and half years which clearly indicates that the police has high handedness to implicate the present petitioner. Learned counsel further submits petitioner is remanded in this case on 26.06.2023 from Kataiya P.S. Case No. 08 of 2023 and since then he is in custody. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Anish Kumar @ Avnish Thakur @ Puliciya has already been granted bail by this Court vide Cr. Misc. No. 37997 of 2022 and on the principle of parity, petitioner also deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Muzaffarpur in connection with Session Trial No. 84 of 2024 arising out of Aurai P.S. Case No. 78 of 2019, G.R. No. 1504 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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