

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74375 of 2023

Arising Out of PS. Case No.-193 Year-2021 Thana- ATRI District- Gaya

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MISHRI RAJ BANSHI @ MISHRI RAJBANSHI Son of Karu Rajbanshi
Resident of Village - Arai Keshopur, P.S.- Atri, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Atri
P.S. Case No. 193 of 2021 registered for the offence under
Section 302 of the Indian Penal Code.

3. At the very beginning, it has been submitted by
the learned counsel for the petitioner that due to mistake, in
paragraph 3 of the bail petition, the criminal antecedents has
been mentioned as clean but the petitioner has one antecedent of
Excise Act.

4. As per the prosecution case, the petitioner is
said to have killed the deceased.

5. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this



case. It has further been submitted by the learned counsel for the petitioner that the trial of the petitioner is proceeding very slowly and the case is pending after cognizance. He further submits that the petitioner has the right to speedy trial.

6. It is also submitted by the learned counsel for the petitioner that the petitioner is in jail since 12.09.2021.

7. Learned APP for the State vehemently opposed the prayer of the petitioner for grant of bail.

8. Considering the aforesaid facts and the period of custody, this application is allowed.

9. Let the petitioner, above named, be released 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 learned CJM, Gaya in connection with Atri P.S. Case No. 193 of 2021.

10. Before releasing the petitioner on bail, the Court below is directed to verify, as to whether the case has proceeded beyond cognizance or not. If the statement of the petitioner is found correct that cognizance has been taken only then the bail bond of the petitioner shall be accepted by the Court below and if the statement of the petitioner is found false then the bail bond of the petitioner shall not be accepted by the



Court below.

11. As a condition of this order, if the petitioner is released on bail, he is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court on the dates fixed for hearing.

(Sandeep Kumar, J)

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