

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74175 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- KOTWALI District- Munger

Uttam Mishra @ Deepak Mishra Son Of Vikash Mishra @ Bikas Mishra
Resident Of Village- Basgarha, P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-02-2024 Heard Mr. Ajay Kumar Jha, learned counsel for the

petitioner and Mr. Surendra Prasad Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.01.2022 in connection with Kotwali P.S. Case No. 02 of
2022, F.I.R. dated 01.01.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. Earlier the bail application of the petitioner has
been rejected by this Hon'ble Court vide order dated 19.05.2023
passed in Cr. Misc. No. 1191 of 2023.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that as per the F.I.R the



petitioner has fired upon the husband of the informant causing him bullet injuries near his ear. He further submits that the other accused persons namely, Karu Singh and another have also fired upon the husband of the informant. He further submits that the co-accused, Karu Singh has been arrested and his confessional statement has been recorded in paragraph no. 33 of the case diary which suggest that the petitioner has not fired upon the informant and the co-accused (Karu Singh) had fired two rounds upon the victim and upon his confessional statement the used pistol was recovered from the house of co-accused, Shiv Kumar Singh. He further submits that similarly situated, co-accused, namely, Karu Singh has been granted bail by this Court vide order dated 06.10.2023 passed in Cr. Misc. No. 58456 of 2023. The petitioner is in custody since 13.01.2022.

5. Vide order dated 08.12.2023 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 3.12.2023 reveals that the record is pending for appearance of another accused person, namely, Ranjit Yadav.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in judicial custody since 13.01.2022.



7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 16 criminal antecedents other than the present one but fairly submits that the allegation of firing is against the co-accused person, Karu Singh and the co-accused person has been granted bail by this Hon'ble Court.

8. Considering the aforesaid facts and circumstances, report of the learned Trial Court as well as nature of allegation, 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 Judicial Magistrate 1st Class, Munger in connection with Kotwali P.S. Case No. 02 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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