

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21810 of 2024

Arising Out of PS. Case No.-20 Year-2010 Thana- KONCH District- Gaya

Mritunjay Mishra S/o Late Bindeshwar Mishra R/o vill - Mishir Bigha, P.S. -
Pauthu, Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 20-01-2025 Heard Mr.Lalbahadur Singh, learned counsel for the
petitioner and Mr.Binod Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
13.07.2021 in connection with Konch P.S. Case No. 20 of 2010,
F.I.R. dated 14.02.2010 registered for the offence punishable
under Sections 147, 148, 149, 324, 307, 353, 302 of IPC, Section
15(1-b)a, 26, 27, 35 of Arms Act and Sections 3, 4 and 5 of
Explosive Act and Section 17 of Criminal Law (Amendment)
Act.

3. According to prosecution case, S.H.O. got
information that 6-7 extremists assembled in front of house of
Archhay Ram. When the house was raided, firing opened by
them. S.I. Mithlesh received Gun Shot injury. One extremist
also died. One Shashi Bhushan Sharma caught who disclosed



the name of other accused persons.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Petitioner was not present at the place. Name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, namely, Shashi Bhushan Sharma and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from conscious possession or the house of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.07.2021.

5. Vide order dated 22.11.2024 a report was called for regard to the present stage of the trial. Report of the learned Trial Court dated 28.11.2024 reveals that the charge has been framed against the petitioner and out of nine witnesses, prosecution has not examined any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 13.07.2021 more than three years.



7. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seventeen more cases of similar nature other than the present one but fairly submits that out of seventeen cases, the petitioner is on bail in fifteen cases, as mentioned in para-3 of the bail petition.

8. Considering the aforesaid fact, name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person, petitioner is in custody since 13.07.2021 and the report of the learned Trial Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Konch P.S. Case No. 20 of 2010, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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