

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12909 of 2025

Arising Out of PS. Case No.-330 Year-2019 Thana- SUPAUL District- Supaul

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Sandeep Kumar Mishra @ Sandeep Mishra Son of Dayanath Mishra Resident
of Village- J.P. Nagar, Bhutahi Pokhar, Ward No. -26, P.S.- Supaul, Distt.-
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jata Shankar Jha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-04-2025 Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant
of regular bail in connection with Supaul P.S. Case no. 330 of
2019 registered under sections 302, 120B and 34 of the Indian
Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is said
to have fired from his pistol hitting the son of the informant in
his chest as a result of which he fell down injured. On being
taken to the hospital, he was declared dead.

4. It is submitted by learned counsel for the petitioner
that the earlier prayer for bail of the petitioner was rejected vide
order dated 16.4.2024 (Annexure-1) passed in Cr. Misc. no.
78900 of 2023. It is submitted that taking note of the petitioner



having remained in custody for more than 5 years on the date of passing of the said order, a direction was given to the learned trial Court to expedite the trial and to conclude the same at the earliest preferably within a period of of six months from the date of communication of the order. Learned counsel submits that one year has passed since passing of the said order, however, not a single witness has been examined on behalf of the prosecution since then. It is submitted that the petitioner has remained in custody for about 5 years 11 months since 23.5.2019, he undertakes to cooperate in the trial and to abide by any conditions which may be laid by this Court for his release on bail.

5. A report was called for from the learned trial Court. As per report received contained in letter dated 2.4.2025, out of the ten chargesheet witnesses, three witnesses have been examined on behalf of the prosecution.

6. The application for bail is opposed by learned APP for the State.

7. Having heard learned counsel for the parties and having perused the material on record, it transpires that chargesheet was submitted against the petitioner on 31.7.2009 with a total of ten chargesheet witnesses mentioned therein. One



witnesses was examined on behalf of the prosecution in the learned trial Court on 3.2.2024 and two on 5.4.2025. In spite of the direction of this Court in its last order of rejection dated 16.4.2024 and a year having been passed since then, not a single witness has been produced on behalf of the prosecution.

8. Taking into consideration the facts and circumstances of the case narrated hereinabove and specially the petitioner having remained in custody for more than 5 years 10 months since 23.5.2019, the Court directs the petitioner to be enlarged on bail in connection with Supaul P.S. Case no.330 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Supaul on the following conditions:

(1) One of the bailors of the petitioner shall be the father/close relative of the petitioner.

(2) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(3) In case, the petitioner is absent on any single date for reasons not satisfaction of the learned trial Court or in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the



learned trial Court may cancel the bail bond of the petitioner
and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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