

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20296 of 2025

Arising Out of PS. Case No.-107 Year-2023 Thana- BELSAND District- Sitamarhi

Mritunjay Jha @ Mithu S/O Bachaspati Jha R/O Vill.- Hasaur, P.S.- Belsand,
Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate
For the Informant	:	Mr. Shashi Bhushan Pandey, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-05-2025 Heard Mr. Ansul, learned Senior counsel for the petitioner, Mr. Shashi Bhushan Pandey, learned counsel for the Informant and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 01.11.2023, in connection with Belsand P.S. Case No. 107 of 2023, F.I.R. dated 20.07.2023 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. Learned Senior counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected vide order dated 17.05.2024 passed in Cr. Misc. No. 25512 of 2024 and the petitioner is in custody since 01.11.2023 and the trial is not in progress.

4. Learned Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the informant is not an eye witness of the alleged occurrence and merely on the basis of suspicion the petitioner has been apprehended in the present case.

5. Vide order dated 04.04.2025, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 09.05.2025 reveals that the case is pending for appearance of one co-accused person namely Mritunjay Jha @ Mithu and currently the case is pending at appearance stage.

6. Learned Senior counsel for the petitioner referring the aforesaid report and submits that in view of the aforesaid, the trial is not concluded in near future and the petitioner is in custody since 01.11.2023.

7. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case and the period of custody, 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 Judicial Magistrate 1st Class, Sitamarhi in



connection with Belsand P.S. Case No. 107 of 2023, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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