

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41119 of 2014

Arising Out of PS.Case No. -209 Year- 2013 Thana -SAHPUR District- BHOJPUR

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Haresh Mishra son of Shivajeet Mishra, Resident of Village- Sonbarsa,
P.S.- Shahpur, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 23-01-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
11.11.2013 in a case registered for the offences punishable under
Sections 147, 148, 149, 323, 325, 307, 386, 387 of the Indian
Penal Code and 27 of the Arms Act.

It is alleged that earlier the petitioner
demanded extortion of Rs.2,00,000/- and subsequently the
informant and other accused persons robbed Rs.20,000/-, the sale
proceed of the fish of the informant. Thereafter the petitioner and
other accused persons assaulted the informant, his brother and
nephew. Subsequently the brother of the informant, namely,
Jawahar Choudhary succumbed to the injury.

It is submitted by learned counsel for the petitioner that the omnibus and general accusation is levelled against 10-15 people of making assaulted, though the nephew and cousin of the victim in para 7, 8 and 24 of the case diary have stated that the assault was made by Sidhnath Kumhar on the head and back of the victim. The post-mortem reflects the death by head injury.

Considering the aforesaid facts, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhojpur at Ara in connection with Shahpur P.S. Case No. 209 of 2013.

Since the petitioner has serious criminal antecedent, though he is on bail in those cases, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he substantially gets involved in some serious nature of the offence or defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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