

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47838 of 2015

Arising Out of PS.Case No. -75 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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Gholat Mishra @ Bipin Kumar Mishra @ Bipin Mishra, son of Shiv Shankar Mishra, Resident of Village- Khajuri P.s Bakhtiyarpur((Balbahat O.P) District Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sangita Sharma(App)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 05-11-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Gholat Mishra @ Bipin Kumar Mishra @ Bipin Mishra, in connection with Bakhtiyarpur Police Station Case No.75 of 2015, under Sections 147, 149, 302, 341, 323 and 504 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Mr. Ashok Kumar Mishra, learned Counsel, appearing for the petitioner, and Mrs. Sangita Sharma, learned Additional Public Prosecutor, appearing on behalf of the State.

It is submitted by the learned counsel for the petitioner that though the occurrence had allegedly taken place on 05.03.2015, the F.I.R. was lodged on 15.03.2015, i.e. after the



death of the informant's brother, and for such inordinate delay in omitting to mention the names of the assailants, no explanation has been offered as is discernible from the ground on record. This apart, co-accused have been granted bail by the Court by orders, dated 24.09.2015, and 01.10.2015, passed in Cr. Misc. Nos.27029 of 2015 and 19873 of 2015 respectively.

Coupled with the above, the accused above-named has been in custody since 27.4.2015 in connection with the case aforementioned and the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs.10,000/- with two sureties, each of the like amount, subject to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur Police Station Case No.75 of 2015.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court

below, as may be directed.

In terms of the above observations and directions,
this bail application shall stand disposed of.

(I.A. Ansari, ACJ)

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