

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49001 of 2014

Arising Out of PS.Case No. -246 Year- 2012 Thana -GOPALPUR District- GOPALGANJ

CHANDRAKET MISHRA @ CHANDRAKETU MISHRA, SON OF
LATE BYASH MISHRA, RESIDENT OF VILLAGE - SUJANPUR, P.S -
GOPALPUR, DISTRICT- GOPALGANJ.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR.

.... OPPOSITE PARTY/S

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pathak, Advocate.

For the Opposite Party/s : Mr. H.A. Khan (APP)

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 04-02-2015 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is accused in connection with Gopalpur
P.S. Case No. 246 of 2012 registered under Sections 341, 323,
307, 504 and 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
prayer for bail of the petitioner was earlier rejected on merit vide
order dated 22.04.2014 passed in Cr. Misc. No. 32588 of 2013 by
this Court. It is further submitted that while the allegation has been
made in the F.I.R. that petitioner and his brother caused assault
through iron rod to the deceased, brother of the informant, on
making protest due to refusal to pay the price of purchased diesel
by the petitioner and his brother. In fact, the occurrence took place

due to earlier land dispute and petitioner and his family members also sustained injury regarding which on the basis of the written report of the mother of the petitioner, Gopalpur P.S. Case No. 247 of 2012, under Sections 341, 323, 324 and 504/34 of the Indian Penal Code was instituted against the informant and others and in that course deceased of the present case sustained injury, which is single at his head and died, later on, in course of treatment, which would appear from paragraph 28 of the case diary. It is further submitted that petitioner has no criminal antecedent and is in custody since 20.06.2013.

Learned A.P.P. appearing for the State has opposed the prayer for bail of the petitioner but conceded that in paragraph 28 of the case diary there is description of Gopalpur P.S. Case No. 247 of 2012 lodged by the mother of the petitioner.

Having regard to the facts and the 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 the Chief Judicial Magistrate, Gopalganj, in connection with Gopalpur P.S. Case No. 246 of 2012.

(Rajendra Kumar Mishra, J)

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