

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2899 of 2016

Arising Out of PS.Case No. -89 Year- 2014 Thana -MATIHANI District- BEGUSARAI

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1. Bachchu Mishra @ Bibhash Mishra S/o Late Rajesh Mishra R/o village -
Ramdiri Loka Singh Tola, P.S. Matihari, Distt. - Begusarai ... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kameshwar Singh

For the Opposite Party/s : Mr. Sharda Kumari(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 15-03-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Matihani P.S. Case
No. 89 of 2014 registered for the offences punishable under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the first information report
which is registered against unknown. During investigation name of the
petitioner and another co-accused transpired that at the signal given by
the petitioner and co-accused Bimlesh, co-accused Prince Kumar shot
Shambhu Singh on his head, resulting, Shambhu Singh fell down and
thereafter, the miscreants fled away.

Submission is of false implication and that the witnesses
who are on inimical terms with the petitioner have named the petitioner
but the petitioner is not the assailant, other co-accused Bimlesh has
already been allowed bail vide Cr. Misc. No. 23286 of 2015 by another
co-ordinate Bench of this Court and further Sumit Kumar has also been

allowed bail vide Cr. Misc. No. 42751 of 2014 and as such the petitioner also deserves sympathetic consideration to which learned APP submits that petitioner and co-accused Bimlesh were the order giver and further the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that co-accused Bimlesh has already been allowed bail, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in S. T.No. 425 of 2015 arising out of Matihani P.S. Case No. 89 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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