

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40627 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -BANIAPUR District- SARAN

Hirdaya Nand Mishra, son of Late Shieo Shankar Mishra, resident of
village- Lulha Dhanaw, P.S. Baniapur, District- Saran at Chapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-10-2016

Heard Sri Dhirendra Singh, learned counsel, who
was assisted by Sri Pramod Ban Bihari Singh, learned counsel for
the petitioner and Sri Umeshanand Pandit, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody in Baniapur
P.S. Case No.53 of 2016 registered for the offence under Sections
341, 323, 504, 307/34 of the Indian Penal Code and subsequently
Section 302 of the Indian Penal Code was added, has prayed for
grant of bail mainly on the ground that though in the F.I.R. the
petitioner has been arrayed as one of the accused, but there is no
specific accusation against the petitioner. He submits that the
informant has specifically alleged regarding overt act committed
against other accused. So far as the petitioner is concerned, there
was no specific overt act against him. He further submits that in



this case, other two accused persons, namely, Pawan Kumar Mishra @ Pawan Mishra and Diraj Mishra @ Chuman Mishra , having similar accusation, have already been extended the privilege of bail vide order dated 13.07.2016 passed in Cr.Misc.No.19764 of 2016. He submits that from the F.I.R. it is evident that land dispute in between the parties is going on. He submits that from petitioner's side an F.I.R. vide Baniapur P.S. Case No.52/2016 was also lodged prior to lodging of the present case.

Keeping in view the fact that there was no accusation regarding overt act against the petitioner as well as the fact that other two accused persons having similar accusation have already been granted bail, there is no reason to deny the prayer for bail of the petitioner. Accordingly, let the petitioner, namely, Hirdaya Nand Mishra be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Baniapur P.S. Case No.53 of 2016 with conditions that (i) one of the bailors must be blood relation of the petitioner and (ii) During the trial, the petitioner shall remain physically present before the court below on each and every date. If continuously on two dates, the petitioner remains absent without

prior permission of the trial court, his bail bond shall stand
automatically cancelled.

(Rakesh Kumar, J)

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