

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27243 of 2016

Arising Out of PS.Case No. -205 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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1. Shailesh Kumar Mishra @ Shailendra Kumar Mishra son of Late Radhe Mishra Resident of village-English Ward No. 3, P.S. + District- Lakhisarai
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naersh Dixit

Mr. Lalan Kumar

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-08-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Diary in this case was called for earlier which has since been received.

Learned counsel for the petitioner submits that allegation against the petitioner is purely on account of vendetta and he has no role to play. Admittedly, the allegation is against two other persons who are said to have fired at the brother of the informant. The contention of the petitioner is that the name of the petitioner has been brought in only because he was the lawyer for one Shambhu Ram against whom the informant has filed a case earlier.



Thus, the allegation that the petitioner had come to arrange for compromise and had therefore, engineered and masterminded the present killing, is also farfetched as the petitioner was only conducting the case on behalf of the said Shambhu Ram who was the main accused in another case. It is for the said reason, the name of the petitioner has been dragged into the present case. The son of the petitioner has also been implicated in the present case and, therefore, the petitioner may be extended the privilege of anticipatory bail.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that there is no specific allegation against the petitioner. Only thing that has surfaced later on, is that, this petitioner had been conducting the case on behalf of said Shambhu Ram earlier and the probability of the petitioner being falsely implicated cannot be ruled out. Several witnesses have deposed to the said effect in the case diary.

Having considered the facts and circumstances of the case and also the materials which have surfaced in the case diary, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Lakhisarai
in connection with Lakhisarai P.S. Case No. 205/2016, subject to
the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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