

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8934 of 2016

Arising Out of PS.Case No. -54 Year- 2015 Thana -BANGAON District- SAHARSA

1. Kailash Mishra @ Kaushal Mishra @ Nitesh Kumar Son of Birendra Mishra, Resident of Village - Bangaon, P.S. - Bangaon, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. M.K.Nirala(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 26-04-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 448, 323, 324, 307, 504, 506 and 379 of the I.P.C

Allegedly, the petitioner, other FIR named accused person and two unknown entered into the house of the informant, co-accused Pankaj Mishra assaulted with *Farsa* on the left knee of husband of the informant and the petitioner gave knife blow, whereas, co-accused Keshav Mishra caused injury with Gupti in the left hand of husband of the informant and when the informant went for rescue the petitioner and co-accused Pankaj Mishra caused threats and further took away house hold articles including the cloths, ornaments etc.

Submission is of false implication, the husband of the

informant has received three injuries out of which injury no.2 has been caused by the hard and blunt substance, the brother-in-law of the informant used to tease the wife of Pankaj Mishra, hence the occurrence took place, earlier Complaint Case No. 1232 C of 2013 was filed against the brother-in-law of the informant and further for the occurrence of 06.07.2015 First Information Report has been registered on 08.07.2015, the petitioner is in custody since 25.01.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Saharsa in Bangaon P.S. Case No. 54 of 2015, 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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