

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44618 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -ROSHANGAANJ District- GAYA

1. Niranjan Mishra son of Sri Lakhan Mishra Resident of village - Brahman Bigha, P.O. Tilaiyan, P.S. Raushanganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.53317 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -ROSHANGAANJ District- GAYA

1. Ramjatan Mishra
2. Lakhan Mishra
Both S/o late Kamta Mishra Resident of Brahman Bigha, Po- Tilaiyan, P.s Raushanganj, district Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.44618 of 2015)
For the Petitioner/s : Mr. Anita Kumari
For the Opposite Party/s : Mr. Pushpa Sinha - 2 (App)
(In Cr.Misc. No.53317 of 2015)
For the Petitioner/s : Mr. Anita Kumari
For the Opposite Party/s : Mr. Renu Kumari(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 25.01.2016 Both the above stated petitions arise out of Raushanganj P.S. Case no. 57/2015 registered under sections 147, 148, 149, 341, 323,, 324, 307, 302, 504 of the Indian Penal Code and accordingly, both the above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State assisted by learned counsel for the informant.

Petitioner in Cr. Misc. no. 44618/2015 is said to have given one dagger blow on the hand of the deceased and thereafter, it were petitioners in Cr. Misc. no. 53317/2015 who gave Bhala and Tangi blows to the deceased. The contents of post mortem report have been incorporated by the Investigating officer at para 55 of the case diary which go to show that altogether, five injuries were found on the person of the deceased. Furthermore, it is alleged that petitioner in Cr. Misc.no. 44618/2015 hurled pointed rod causing injury on the back of the informant. The informant has sustained simple injury which is evident from perusal of para 71 of the case diary.

There is no allegation that petitioner in Cr. Misc. no. 44618/2015 repeated his blow upon the deceased nor he chose vital part of the deceased to cause injury and therefore, considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner in Cr. Misc. no. 44618/2015 is languishing in jail custody since 17.4.2015, let the aforesaid petitioner, namely, Niranjan Mishra, be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Abhay Srivastava, Judicial Magistrate, Ist Class, Sherghati District Gaya/ concerned court in Raushanganj P.S. Case no. 57/2015.

So far as petitioners in Cr. Misc. no. 533178/2015, namely, Ramjatan Mishra and Lakhan Mishra are concerned, their prayer for



bail stands rejected.

shahid

(Hemant Kumar Srivastava,J)

