

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32814 of 2017

Arising Out of PS.Case No. -48 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Bashant Mishra @ Vikash Mishra Son of Shyam Bihari Mishra Resident of
Village - Sonbarsa, P.S. - Shahpur, District - Bhojpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate and
Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-09-2017 Heard learned senior counsel for the petitioner,
informant and learned counsel for the State.

The petitioner is languishing in custody since
22.02.2016 in a case for the offence registered under Sections 147,
148, 149, 341, 324, 307, 302 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that while the
informant and his family members was returning after attending
the marriage ceremony, the accused persons who were armed with
rifle and gun, surrounded. Haresh Mishra and Brajesh Mishra
started indiscriminate firing from their Carbine on Bisheshwar
Ojha and others as a result of which Bisheshwar Ojha died.

Earlier the bail application of the petitioner was



rejected vide Cr. Misc. No. 36277 of 2016 dated 23.09.2016 with an observation “at this stage” taking the fact that there was specific allegation against co-accused Haresh Mishra and Brajesh Mishra.

It has been submitted by learned senior counsel for the petitioner that the petitioner is in custody since 22.02.2016. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Seven persons including the petitioner have been named in the F.I.R. No specific injury has been attributed against this petitioner. Specific allegation of assault is against Haresh Mishra and Brajesh Mishra. Other co-accused Harendra Singh @ Bua Singh @ Buwa Singh has already been granted bail by this Court vide Cr. Misc. No. 16748 of 2017 dated 28.06.2017.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 Additional Sessions



Judge, 3rd, Arrah, Bhojpur in connection with Shahpur P.S. Case
No. 48 of 2016, Sessions Trial No. 390 of 2016.

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(Sudhir Singh, J)

