

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8026 of 2017

Arising Out of PS.Case No. -276 Year- 2016 Thana -PARWATTA District- KHAGARIA

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1. Kare Mishra @ Pankaj Mishra,
2. Angad Mishra @ Bitiya Mishra, Both sons of Kapildeo Mishra, resident
of village - Madhavpur, Police Station - Parbatta, District - Khagaria

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Amrendra Kumar, Advocate

For the Informant : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-02-2017

Heard learned counsel for the petitioners.

This is an application for bail in connection with Parbatta P.S.Case No. 276 of 2016 registered for the offences punishable under Sections 341, 323, 342, 379, 307/34 of the Indian Penal Code and 27 of the Arms Act.

It has been submitted on behalf of the petitioners that though there is allegation against petitioner No.1 that he was armed with gun and fired also but the same did not hit the son of the informant and it is further alleged that accused persons have assaulted him with butt portion of the gun and also back portion of axe and had there been any intention to kill, he would have again shot at him. So far petitioner No.2 is concerned, there is no



allegation against him and there is land dispute between them and petitioners have remained in custody for about one and a half months.

Heard learned APP and learned counsel for the informant also. Learned counsel for the informant has opposed the prayer for bail stating that son of the informant was assaulted by fire arm also but he was luckily saved and, as such, petitioners do not deserve bail.

Having heard both sides and considering the fact that there is no allegation against petitioner No.2, let him be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Khagaria, in connection with Parbatta P.S.Case No. 276 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required



by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move the cancellation of his bail.

So far as petitioner No.1 is concerned, there is allegation against him that he assaulted the son of the informant with butt portion of gun and axe, due to which he received injuries on below portion of his left ear, which is found to be grievous. Considering the said fact, I am not inclined to grant bail to petitioner No.1. His prayer for bail is rejected. He may renew his prayer for bail after framing of charge in this case.

With the above observations, this application is disposed of.

(Vinod Kumar Sinha, J)

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