

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45731 of 2017

Arising Out of PS.Case No. -998 Year- 2017 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Atul Anurag Mishra Son of Late Shyam Bihari Mishra, R/o Village-Umedpur, P.S.- Brahampur in the District of Buxar, presently Residing at Lambedar Sahdar Gate, Gita Ghat, P.S.- Sasaram Model in the District of Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Anunay

For the Opposite Party/s : Mr. Sri Arun Kumar

For the informant : Mr. Sadanand Rai

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-09-2017 Heard the learned counsel for the petitioner, the

learned APP for the State and learned counsel for the informant.

The petitioner seeks regular bail in connection with

Sasaram Model PS case no. 998 of 2017 registered for the

offences punishable under Sections 448, 307/34 of Indian Penal

Code and Section 27 of Arms Act.

The case of the prosecution is that the FIR was

lodged against unknown persons and it was alleged that while the

informant along with his son was sitting in his *baithka* on

18.07.2017 at about 6 pm, 6-7 persons armed with pistol came

there and started firing indiscriminately aiming at his son. It is



further stated that the firearm injuries was sustained on the left thigh of his son.

The learned counsel for the petitioner submits that there is nothing on record to show that the son of the informant had received firearms injuries. It is further submitted that the petitioner has clean antecedent, he is languishing in jail since 23.07.2017 and he is not named in the FIR since the FIR was lodged against unknown persons.

The learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that there are ample material in the case diary to connect the petitioner with the alleged occurrence hence, he would be required for further investigation by the police.

Having heard the learned counsel for the parties, I find that the present case is a fit case for grant of regular bail to the petitioner especially since there is no specific allegation leveled against him and the petitioner has no criminal antecedent. However, before releasing the petitioner on bail, it be verified as to whether the antecedent of the petitioner is clean. In case the petitioner has a criminal antecedent, the petitioner will not be released on bail.



Accordingly, the petitioner is directed to be released on regular bail upon furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram Model PS case no. 998 of 2017. It is further directed that the petitioner would appear on every Monday of the week at 10 am before concerned police station and mark his attendance and the failure on his part to attend the court on two consecutive dates would automatically render the cancellation of his bail bonds.

(Mohit Kumar Shah, J.)

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