

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51343 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -DHANGAI District- BHOJPUR

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Kanhaiya Mishra S/o Ram Singhasan Mishra, R/o Village- Dalippur, P.S.-
Dhangai, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. S.M. Rahman

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 21-12-2017 Heard learned counsels for the petitioner, informant
and APP for the State.

The petitioner seeks bail in connection with
Dhangai P.S. Case no. 07 of 2017 registered under Sections 302,
120(B)/34 of the Indian Penal Code.

The petitioner along with other accused persons are
said to have beaten to death the brother of the informant namely,
Md. Saddam at the door of Ramjee Mishra.

It is submitted by learned counsel for the petitioner
that the allegation levelled against the petitioner is not specific
rather omnibus. The petitioner has been falsely implicated in the
case. There is no eye witness of the occurrence. Though, ten
accused persons are said to have assaulted the deceased, but



doctor has found four injuries on the person of the deceased. Out of them, three are abrasion, two on right elbow and one on right eye. The only injury which proved fatal is lacerated wound on the head of the deceased and the assailant of the said injury is not ascertained. The petitioner has been languishing in custody since 09.02.2017. Similarly situated co-accused namely, Awadhesh Mishra has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 01.11.2017 passed in Cr. Misc. no. 46094 of 2017.

On the other hand, learned APP and learned counsel for the informant vehemently opposed the bail petition and submitted that it was a cold-blooded murder and the petitioner along with other accused persons forming unlawful assembly had committed murder of the deceased which also stand corroborated by the postmortem report.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on completion of one year in custody on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhojpur (Ara) in connection with Dhangai P.S. Case no. 07 of 2017, subject to the condition that:



- (1) One of the bailors shall be his own/close family member.
- (2) The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prakash Chandra Jaiswal, J)

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