

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10813 of 2018

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1. Shyam Sundar Mishra @ Bhulan Mishra, Son of Late Ramashray Mishra, resident of Village- Dhanari, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 24-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 147/148/149/ 341/323/ 307/ 302/504 of the Indian Penal Code.

According to FIR, for land dispute the petitioner and co-accused Bikram Mishra allegedly assaulted to the husband of the informant with bamboo stick and lathi causing injury at the head as a result whereof he died.

Learned counsel for the petitioner submits that the post mortem report would reveal that the doctor has found single injury at the head and on external examination of the dead body no injury was found by the authority. For that single blow co-accused Bikram Mishra has already been refused bail by this



Court in Cr. Misc. No.22015 of 2017 on 29.06.2017 with a direction to the learned trial Judge to expedite the trial.

Contention is that two persons may not be detained for a single injury as under trial prisoner. Petitioner is in custody since 08.12.2017. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail on the ground that allegation against the petitioner is of assault by bamboo stick.

Considering the facts and circumstances, as discussed above, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sursand P.S. Case No.22 of 2017, with condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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