

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53532 of 2017**

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

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Uma Kant Mishra, Son of Late Janardan Mishra, Resident of Village-  
Sonbarsa, Police Station-Shahpur, District-Bhojpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat, APP.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      03-01-2018                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

Petitioner seeks bail in a case registered for the  
  
offences punishable under Sections 147,148,149,341,324,307 and  
  
302 of the Indian Penal Code and 27 of Arms Act.

Co-accused Haresh Mishra and Brajesh Mishra  
  
are the main assailants of deceased Bisheshwar Ojha. There is  
  
general and omnibus allegation against other co-accused to be  
  
present at the time of occurrence alongwith firearms and of firing  
  
also. It appears that similarly situated co-accused Pappu Singh,  
  
Tunni Mishra and Harendra Singh have been allowed bail by a  
  
different Coordinate Benches of this Court. The petitioner is in  
  
custody since 19.02.2016.



Submission of the learned counsel for the petitioner is that the trial is not progressing and the petitioner is ready to cooperate with the trial since investigation is complete. There is no reason to detain the undertrial prisoner furthermore.

On the other hand, learned counsel for the informant opposed the prayer for bail on the ground that the informant has moved before the Hon'ble Supreme Court in S.L.P.(Criminal) Diary No.(s).31193 of 2017 for cancellation of bail granted to other co-accused.

Considering the fact that the petitioner is not named in the FIR and he is in custody since about two years, 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 learned Court below where the case is pending in connection with S.Tr.No.390 of 2016 arising out of Shahpur Police Station Case No.48 of 2016, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

**(Birendra Kumar, J)**

Nitesh/-

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