

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6288 of 2018

Arising Out of PS.Case No. -320 Year- 2017 Thana -BHORE District- GOPALGANJ

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1. Rajeshwar Mishra,
2. Mahima Mishra,
Both sons of Late Subedar Mishra, Resident of Village- Khalawa Gaon,
P.S.- Bhorey, District- Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dhramveer, Advocate

For the Opposite Party: Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 07.12.2017 in connection with Bhorey P.S. Case No. 320 of 2017 for the offences alleged under Sections 341, 323, 307 and 302/34 of the Indian Penal Code and 27 of the Arms Act.

3. It is submitted that the petitioners have been falsely implicated in connection with killing of the informant's brother, namely, Panchdeo Tiwary. It is submitted that even according to the first information report, co-accused Adalat Mishra had fired on the deceased which, it is submitted, was the cause of death. The accusation of assault by *lathi* and *danda* upon Ramakant Mishra and Durgesh Mishra is general and omnibus and further allegation against the petitioners is that they along with one Kuber Mishra were order givers, the latter having been granted bail by this Court in Cr. Misc. no. 59483 of 2017. The petitioners claim clean antecedents.

4. Learned APP for the State assisted by learned



counsel for the informant appears and opposes the bail petition.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Gopalganj, in connection with Bhorey P.S. Case No. 320 of 2017, on the following conditions:-

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

B.T/Chandran

(Vikash Jain, J)

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