

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4915 of 2019

Arising Out of PS. Case No.-421 Year-2018 Thana- CHANPATIA District- West Champaran

RAMESH MISHRA @ RAMESH KUMAR MISHRA Kanchan Mishra
Resident of Lachhuchhapar Briti tola,

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13578 of 2019

Arising Out of PS. Case No.-421 Year-2018 Thana- CHANPATIA District- West Champaran

1. RAJU MISHRA AND ANR Son of Sri Hari Shankar Mishra Resident of Village - Lachhu Chapar Wirty Tola, P.S. Chanpatiya, District West Champaran
2. Binod Mishra Son of Janardan Mishra Resident of Village - Lachhu Chapar Wirty Tola, P.S. Chanpatiya, District West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4915 of 2019 with Cr. Misc. No. 13578)

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Sr. Advocate
	:	Mr.Vibhakar Kumar, Adv.
	:	Ms. Babita Kumari, Adv.
	:	Mr. Arya Achiat, Adv.
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mrs. Priyanka Singh, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 29-03-2019 It has been stated on behalf of learned counsel for the petitioners that inadvertently in the order dated 28.03.2019 it has been typed as ‘13578 of 2018’ instead of ‘13578 of 2019.’

Let the order dated 28.032019 be read as ‘13578 of



2019.’

The order dated 28.03.2019 is modified to the extent as indicated above.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Chanpatia P.S. Case No. 421 of 2018 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 337, 338, 504, 506 of the Indian Penal Code and Section 302 of the Indian Penal Code was added.

Informant has alleged that some dispute took place between the parties with respect to unloading of soil and it is further alleged that accused Hari Shankar Mishra called other FIR named accused and there is specific allegation that at the instigation of Janardhan Mishra, Ravikant Mishra and Binod Mishra assaulted the son of informant Arvind Kumar by iron rod, as a result he suffered grievous injury on head and there is further allegation against Vinod Mishra that he also assaulted on the left hand of his son causing fracture. Allegation against petitioners Ramesh Mishra and Raju Mishra is of assaulting informant and his son with lathi and danda, as a result of which they sustained injuries, however they did not receive any



treatment. His son was taken to the Hospital where he died during treatment.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. Petitioners have no criminal antecedent and petitioner Ramesh Mishra is in custody since 23.10.2018 and Petitioners Raju Mishra and Binod Mishra are in custody since 27.11.2018.

Considering the aforesaid facts and circumstances of the case, let petitioner Ramesh Mishra in Cr. Misc No. 4915 of 2019 and petitioner No. 1 Raju Mishra in Cr. Misc. No. 13578 of 2019 named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 5th Bettiah, West Champaran, in connection with Chanpatia P.S. Case No. 421 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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.

So far as petitioner No. 2 Binod Mishra in Cr. Misc. No. 13578 of 2019 is concerned. There is direct allegation against this petitioner of assaulting the son of informant by iron rod on his head and also assaulted on his left hand causing fracture.

Considering the nature of allegation against petitioner No. 2 in Cr. Misc. No. 13578 of 2019, I am not inclined to grant bail to the petitioner No.2, accordingly his prayer for grant of bail is rejected at this stage.

(S. Kumar, J)

veena/-

U		T	
---	--	---	--

