

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22467 of 2019

Arising Out of PS. Case No.-302 Year-2018 Thana- SAHPUR District- Bhojpur

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UMA SHANKAR MISHRA S/o Sridhar Mishra R/o village- Sonebarsa, P.S.-
Sahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-07-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 120(B), 34 of the Indian
Penal Code and Section 27 of the Arms Act.

It is alleged in the fardbeyan that when the informant
along with his son was returning after harvesting maize crop in
their land, the petitioner along with four other accused, as
named in the written report, armed with weapons fired
indiscriminately on account of which son of the informant,
Kamal Kishore Mishra, died on the spot. It is alleged that Amar
Nath Mishra also sustained injury and his treatment was going
on in Sadar Hospital, Ara. Cause of occurrence is that son of the



informant (deceased) was main witness in case of Bisheshwar Ojha. He earlier also received threat from Shivajit Mishra and Haresh Mishra from the jail.

As per written report, informant is the eye witness. He has levelled specific allegation that the petitioner and other accused, as named, made indiscriminate firing on account of which his son died at the spot. Postmortem Report shows that total seven wounds of entry and three wounds of exit on the person of deceased, which were on vital part. Son of the informant died at the spot.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his payer for bail is rejected in connection with Shahpur P.S. Case No. 302 of 2018 from the court of the learned Chief Judicial Magistrate, Ara.

Accordingly, the application is dismissed.

(Anjani Kumar Sharan, J)

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