

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24313 of 2019**

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

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MUKTESHWAR MISHRA, Son of Late Shiv Narayan Mishra, Resident of
Village - Sonbarsa, P.S.- Shahpur (Karnamepur O.P), Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhyakeshari Kumar, Sr. Advocate Mr. Arun Kumar Pandey, Advocate
For the Opposite Party/s :		Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 08-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in **Shahpur P.S. Case No.302 of
2018** instituted for the offence under Section(s) 302, 120-B/34
Indian Penal Code and Section 27 of the Arms Act pending in
the Court of the **Additional Chief Judicial Magistrate, 14th,
Bhojpur, Ara.**

It is alleged in the fard beyan that when the informant
along with his son, Kamal Kishore Mishra, 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, Kamal Kishore Mishra, (deceased) was main witness in case of Bisheshwar Ojha. He earlier also received threat from Shivajit Mishra and Haresh Mishra from the jail.

Case diary has been received. Learned APP has submitted that the informant in his further statement has fully supported the case and has levelled specific allegation against the petitioner and other accused persons of making indiscriminate firing on his son on account of which he died on the spot. Other witnesses in para 5, 23, and 24 have also supported the prosecution case.

Postmortem Report is available in the case diary, wherein, doctor has found total seven wounds of entry and three wounds of exit around the abdominal area, over thigh and vital part of the body as mentioned in the postmortem report. Cause of death was firearm injury leading to haemorrhage, shock and instant death. Four pieces of bullet were handed over to Chaukidaar.

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 such circumstances, this Court is not inclined to enlarge the petitioner on bail.

Prayer of the petitioner for grant of bail is **rejected at this stage.**

(Sanjay Priya, J)

J. Alam/-

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